
PROPOSED EXPANSION OF GERMAN AIR FORCE OPERATIONS AT HOLLOMAN AFB, NEW MEXICO

FINAL
ENVIRONMENTAL IMPACT STATEMENT

19981015 118

VOLUME II: PUBLIC HEARING TRANSCRIPTS AND RESPONSES TO COMMENTS

DISTRIBUTION STATEMENT A

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UNITED STATES AIR FORCE

APRIL 1998

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PREFACE

The U.S. Air Force is proposing to locate an additional 30 German aircraft at Holloman Air Force Base (AFB). In addition to the beddown of the 30 aircraft, the proposed action would include the location of 640 additional personnel and construction of associated support facilities. In order to meet the air-to-ground training needs of the German aircrews, three training options are being considered, as well as a No-Action alternative:

- Constructing a new target complex (NTC) in the west portion of Otero Mesa on McGregor Range.
- Constructing an NTC in the Tularosa Basin portion of McGregor Range.
- Using the existing ranges and target complexes on White Sands Missile Range and Melrose Range.

The Draft Environmental Impact Statement (DEIS), *Proposed Expansion of German Air Force Operations, Holloman AFB, New Mexico*, was published and distributed for review on June 13, 1997. The public comment period for the DEIS extended from June 20, 1997 through August 4, 1997. Public hearings on the DEIS were held between July 7, 1997 and July 12, 1997. Six locations were selected for the public hearings on the basis of their proximity to the areas potentially affected by the proposed action and because they are regional centers of interested organizations and individuals:

- Alpine, Texas (July 7, 1997)
- Dell City, Texas (July 8, 1997)
- Truth or Consequences, New Mexico (July 9, 1997)
- Fort Sumner, New Mexico (July 10, 1997)
- Carrizozo, New Mexico (July 11, 1997)
- Alamogordo, New Mexico (July 12, 1997)

The purpose of these hearings was to provide a forum in which the public could seek clarification of the analyses presented in the DEIS and to receive questions and comments. Transcripts of the public hearings, copies of presentation materials, and submissions provided for the record by state and federal agencies, as well as private citizens, are presented in Volume II of the Final EIS (FEIS). The transcripts and submissions have been reviewed to identify individual comments concerning the DEIS. Discrete comments are identified with a two-letter code for the hearing location, and sequential number indicating the order in which the comments were made (e.g., Ap-97 is the 97th discrete comment identified in the Alpine public hearing.) Comments were used to identify areas where additional analysis might be desirable. Responses to these comments are provided at the end of the transcripts.

In addition to the comments received at the public hearings, comment letters were accepted throughout the public comment period (June 20, 1997 through August 4, 1997). Copies of the comment letters are provided in Volume III of the FEIS. As with the public hearing transcripts, each letter was reviewed to identify discrete comments, and each discrete comment was assigned a sequential number. As with the public hearing comments, the letter comments were used to identify areas requiring further analysis. Responses to individual comments are provided at the end of the comment letters.

SECTION 1.0

**ALPINE, TEXAS
PUBLIC HEARING TRANSCRIPT**

JULY 7, 1997

PROPOSED EXPANSION OF GERMAN AIR FORCE
OPERATIONS AT HOLLOMAN AIR FORCE BASE, NEW MEXICO
DRAFT ENVIRONMENTAL IMPACT STATEMENT

PUBLIC HEARING HELD ON
JULY, 7, 1997

COPY

APPEARANCES:

Lt. Col. Don Hargarten (USAF),
Ms. Sheryl Parker,
Mr. Bob Johnson,
Judge Heupel MR. JAMES JEPSON

BE IT REMEMBERED THAT on the 7th day of July,
1997 from the hour of 6:00 p.m. to 10:00 p.m. a.m.,
the following public hearing was had:

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915-837-1965

JUDGE JAMES HEUPEL: Good evening, ladies
and gentlemen. I want to thank you for coming out
tonight. This is the public hearing on the Draft
Environmental Impact Statement or Draft EIS as
you'll hear us refer to it for the Proposed
Expansion of German Air Force Operations at Holloman
Air Force Base, New Mexico.

I'm Colonel James Heupel, and I'll be the
presiding officer for tonight's meeting.

Before any decision to expand the current
German Air Force presence at Holloman can be made,
the Air Force must do a complete analysis of the
environmental issues involved with this action. The
National Environmental Policy Act's implementing
regulations require the Air Force to document this
analysis in an Environmental Impact Statement before
the Secretary of the Air Force makes any decisions.

Part of the process involving receiving public
comment on the Draft EIS which was written over the
past year following scoping meetings last summer. At
the scoping meetings, the Air Force asked for public
input on the scope or range of issues that should be
studied by the EIS. This part of the process enabled
the Air Force to learn about any issues involving
expansion of the German Air Force at Holloman that

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1 were not previously identified. The relevant
 2 comments gathered during scoping are included in the
 3 environmental analysis. This analysis is contained
 4 in the Draft EIS, the contents of which are
 5 tonight's -- the subject of tonight's hearing. In
 6 case you haven't seen it, this is what the Draft EIS
 7 looks like and I'll talk more about it later, but
 8 one of the handouts at the door contains the various
 9 public libraries where this document is available
 10 for you to look at.

11 Now the Draft EIS has been directed for public
 12 review and comment based upon input received during
 13 the 45-day comment period, additional analysis will
 14 be evaluated and/or performed, and changes will be
 15 made to the EIS as necessary. If you've not
 16 previously had an opportunity to read the Draft EIS
 17 before tonight's meeting, you're encouraged to do so
 18 as soon as possible.

19 Now, a fact sheet with a listing of documents
 20 locations is available at the information table, as
 21 I indicated, or you may read the summary of the
 22 potential Environmental Impact which is also a
 23 handout at the front table, and the findings will
 24 also be addressed in presentations that are going to
 25 follow.

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1 Now, there are two goals for tonight. The first
 2 is to provide information to you about the analysis
 3 of potential impacts to the environment resulting
 4 from the Air Force proposal, and the second is to
 5 receive your comments on the analysis. This will
 6 help the Air Force address all concerns about the
 7 proposed actions because comments received during
 8 this comment period from June 20th to August 4th of
 9 this year will be responded to in the final EIS.
 10 Tonight's hearing is one of six to be held in
 11 various communities in New Mexico and West Texas.

12 Before introducing members of the panel let me
 13 explain my role at this hearing. I'm a chief trial
 14 judge for the Air Force and I primarily handle
 15 military criminal cases, so I am not an expert on
 16 this Draft EIS nor have I had any connection with
 17 this development. I'm not here as a legal advisor to
 18 the Air Force Representatives who will be addressing
 19 the proposed actions. My purpose is to ensure that
 20 we have a fair, orderly hearing and that everyone
 21 who wishes to speak has a reasonable opportunity to
 22 speak and to be heard.

23 Let me introduce the members of our panel.
 24 There are three Air Force representatives here to
 25 propose the proposal, and let me just say that the

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1 purpose of this is because a large number of people
2 have not had an opportunity to read the Draft EIS or
3 may not have been aware of where the locations are.
4 So their presentations will go through and summarize
5 what's in the EIS to give you a better opportunity
6 to gauge comments that you might like to speak to
7 tonight or to go get the Draft EIS and read it so
8 that you can send in public comments later.

9 Now, the Air Force representatives on my
10 immediate right will be Ms. Sheryl Parker. To her
11 right will be Mr. Bob Johnson and to his right will
12 be Lieutenant Colonel Don Hargarten.

13 Now, Colonel Hargarten is the Assistant Deputy
14 Commander for the 49th Operations Group at Holloman
15 Air Force Base. Ms. Parker is from the Air Force's
16 Air Combat Command's Environmental Office and she's
17 located at Langley Air Force Base, Virginia, when
18 she's in the office. Mr. Bob Johnson is from the
19 Holloman environmental staff.

20 Now, also with us tonight's is Debra Jimenez.
21 She is a court reporter. She is taking down word for
22 word everything that is presented tonight both what
23 the Air Force is going to be speaking to you about
24 as far as the summary and taking down your comments
25 so that the entire proceeding tonight will be in the

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1 final EIS and your comments will be in the final
2 EIS.

3 Now, here's the evening schedule. Mr. Johnson
4 will spend a few moments to provide a short summary
5 of the environmental process and what you can do to
6 provide input on what goes into the final EIS. Then
7 Colonel Hargarten will present information on the
8 proposal and the three options that the Air Force is
9 looking at in order to facilitate increased German
10 Air Force operations at Holloman. His remarks will
11 take about 10 minutes. Then for approximately the
12 next 20 minutes Ms. Parker will review the analysis
13 of potential impacts to the environment from the
14 proposed action and training option locations.

15 Now, following these presentations, we'll take
16 a short break, probably about 10 minutes. During
17 that time if you wish, you can certainly talk to the
18 Air Force representatives, keeping in mind that the
19 formal proceedings are those which are on the record
20 and which we have the court reporter here for so
21 that's where we particularly encourage your
22 interaction, and when we come back from that break
23 we'll then have oral comment from the public. I'll
24 go through the procedures for that, but we're going
25 to start off with, basically each person called will

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1 have approximately five minutes time to speak. If we
 2 have time left over at the end and somebody didn't
 3 get enough time to speak I'll come back to them at
 4 that point, but right now I've already had
 5 approximately 16 people so that's already over an
 6 hour and half, going on two hours. We'll work with
 7 you on that, but it'll be approximately 10 minutes.
 8 I'll take any elected public officials and so far I
 9 have not been notified of any people. I take that
 10 back. I have one person who is signed up to speak
 11 that is an elected public official. So if you're
 12 signed up to speak and you're speaking on behalf of
 13 the political unit, if you'll let us know at the
 14 break we'll write that down on the card. We'll call
 15 on elected public officials first then we'll take
 16 everybody else and what I do is I shuffle up the
 17 cards and take the cards in random order so that
 18 nobody has the right to be first or nobody has the
 19 right to be last. It's wherever luck brings it.
 20 We'll just take everybody in random order and go
 21 through all the cards and try to make sure everybody
 22 has an opportunity to speak.

23 As we go through the process tonight, if you
 24 decide as the Air Force speakers are speaking, I
 25 didn't mark the block, but I really do want to

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1 speak. At the break go on back, got your card and
 2 tell them, "Hey, I want to change that to I want to
 3 speak." or if you've got some questions that have
 4 come up as a result of what the Air Force officials
 5 have covered and you need to clarify what the Air
 6 Force people have talked about, go ahead and change
 7 your cards and say, "I've got some questions I'd
 8 like to ask to clarify what it is that they said."
 9 We'll collect the remainder of the cards that people
 10 turn in at the break and then I'll use those.

11 Now, you do also have the option of using this
 12 white sheet, turning in comments tonight or you can
 13 send in comments up until the 4th of August, but
 14 they actually need to be received by the 4th of
 15 August at this address at the bottom of the sheet
 16 which is at Langley Air Force Base, Virginia.

17 You can do any one or all three of those. You
 18 can do written comments tonight. You can speak
 19 tonight and you can turn in written comments later.
 20 That's fine. As I said my purpose is to ensure that
 21 everybody has an opportunity to speak and provide
 22 input.

23 At this time I'll call upon Mr. Johnson to talk
 24 about the EIS process and the schedule.

25 MR. JOHNSON: Good evening. My name is Bob

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1 Johnson and I work with the Environmental Flight at
 2 Holloman Air Force Base, and during the next few
 3 minutes I will provide you with some general
 4 information about the Act that serves as the basis
 5 for these hearings, what we intend to accomplish,
 6 what's involved in the process, and what your role
 7 is in this process, and also to go over the schedule
 8 as it relates to the proposed action that we are
 9 evaluating.

10 NEPA, which was enacted in 1969, requires that
 11 before we, a federal agency, do something, we must
 12 analyze and document the Environmental Impact of
 13 that something before we proceed with the proposed
 14 action.

15 The NEPA document is meant to provide a clear
 16 unbiased discussion of any potential environmental
 17 impacts relevant to the proposed action and the
 18 alternatives.

19 Okay. The NEPA document is meant to provide a
 20 clear, unbiased discussion of any potential
 21 environmental impacts relevant to the proposed
 22 action and the alternatives. This analysis is
 23 intended to serve as a "clear basis for choice" and
 24 should avoid lengthy discussions of issues not
 25 relevant to the proposed action.

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1 This leads me to a key statement in the NEPA
 2 Regulations. It's found in the Title 40 of the Code
 3 of Regulations. I would like to quote it.
 4 "Ultimately, of course, it is not better documents
 5 but better decisions that count. NEPA's purpose is
 6 not to generate paperwork, even excellent paperwork,
 7 but to foster excellent action."

8 Everything the Air Force has done up to now and
 9 will do with this document and everything we do hear
 10 tonight, points towards the day when the decision
 11 maker signs the Record of Decision. Our
 12 responsibility as employees of a federal agency is
 13 to ensure a full and objective environmental
 14 analysis is performed to all components of this
 15 proposed action.

16 Is the EIS the only factor of the decision
 17 maker takes in the consideration? No. He or she
 18 must also consider technical design issues as well
 19 as the monetary costs. Other factors that could be
 20 taken into consideration include values of the local
 21 public as well as input from elected officials.

22 Once the decision is made, is the Air Force
 23 committed to implement the selected action? No. The
 24 final action in the NEPA process is the Record
 25 Decision, and it is just that, a decision. If the

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1 decision is made to beddown the additional 30
2 aircraft and build the needed facilities, other
3 constraints may cancel the proposal. The Air Force
4 would not be legally under NEPA to implement the
5 selected action.

6 In other words, to use a phrase our term has
7 heard a lot as related to this and other proposals,
8 this is not a "done deal." It is far from it and
9 possibly may never become a done deal. The only
10 decision made thus far has been to proceed with the
11 Environmental Impact Analysis. The decision of
12 whether or not to do this "something" and how to do
13 it, won't be made until the analysis is complete
14 hopefully this December.

15 I said I would tell you how you can be involved
16 in the process. The Judge earlier told you what
17 specific methods can be used to provide your
18 comments. The primary thing you can do is ensure
19 your comment is relevant to the issues at hand. We
20 are here to receive comments in the Draft
21 Environmental Impact Statement. We are looking for
22 feedback on environmental issues you might feel were
23 not adequately addressed or not address at all.
24 Maybe you're a member of the Audubon Society and are
25 aware of the presence of an endangered species in

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1 the region of impact we failed to address. Maybe one
2 portion of the discussion in the document was very
3 confusing to you and you want to offer some
4 suggestions on how we can make the explanation
5 clear. These types of comments are helpful to us and
6 would be taken into consideration as we continue our
7 analysis.

8 We won't, however, enter a debate with anyone
9 about Air Force's policy on training or issues
10 related to NATO alliances. If you have questions
11 along these lines, I would refer to you to the Draft
12 EIS, Chapters One and Two and also to our fact
13 sheets that we have out in the area there.

14 These provide the Air Force's reasons for what
15 we are proposing while fully realizing that not
16 everyone will be in agreement with us. Again our
17 focus here tonight is the potential Environmental
18 Impact of what we're proposing.

19 We don't have to have all the inputs tonight.
20 If you think of something tomorrow or the next day,
21 send us your comment in writing. The comment period
22 will be open until August 4th. The mailing addresses
23 are on the fact sheets you might have picked up or
24 on the comment card.

25 So where are we at the the NEPA process? Like

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all proposed actions evaluated under NEPA, there is a schedule, or "time line," we are doing our best to adhere to, and on this slide you can see all the key actions required by NEPA.

I would point out the June 20th date that's the date. That's the date that this proposed action showed in a Federal Register, that is the beginning of the comment period. That requires a full 45-day period to receive comments.

Our public hearings are, of course, in process right now. We have five more meetings to go through between now and the 12th. After the public comment period ends, then we start the process of including all the comments that we've received and continue the analysis.

Our projected day for a final EIS is November. That will begin the -- predicated on analysis that we have to do. If we need to take more time to do analysis, we'll take more time. The projected day for the actual finding of the Record Decision as we say is early December.

I hope that the information I've just given has provided you with a clearer understanding of what NEPA requires, why we are holding these meetings, and what we are trying to accomplish. Again, our

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goal is to ensure the decision maker makes an excellent decision which will lead to excellent action, one that allows the Air Force to accomplish its mission while also protecting the environment. They go hand in hand. This concludes my portion of our presentation.

JUDGE HEUPEL: Thank you, Mr. Johnson.

Now, Colonel Hargarten will give you the details of the proposed actions and the alternatives.

COLONEL HARGARTEN: Thank you, Judge. I am glad to be here tonight to provide an overview on this proposal to expand the German Air Force operations at Holloman. Before I get to into the specifics as to what the Air Force is proposing to do, I'd like to provide a little background on our relationship with Germany since World War II and our nation's current military strategy.

Since the 1950s, Germany has demonstrated a commitment to its naval NATO role. German aircrews have been training in the U. S. in fighter aircraft since 1957. They have trained in F-84s, F-104s, F-4s and Tornados. Since 1992, the U. S. has provided German aircrew training in F-4s at Holloman Air Force Base. I was commander of that squadron for two years, and the German U. S. partnership was clear to

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1 see as we hosted German Air Force pilots to hope
2 ensure our allied aircrews are trained to the same
3 high standard as U. S. pilots.

4 This partnership has been especially useful
5 since the end of the Cold War, as multinational
6 allied actions became an even more important means
7 of protecting our nation's security and promoting
8 stability around the world; as the Soviet superpower
9 and the Communist bloc in Europe fell; and as the U.
10 S. began the withdraw its forces from Europe.

11 All of these factors have made readiness and
12 training more important than ever before because of
13 a changing international environment, a greater
14 diversity of risk and threats and reductions in
15 U. S. military budgets. This policy is reflected in
16 the current National Military Strategy which
17 emphasizes international training and military
18 exchanges.

19 For this approach to our defense to succeed,
20 and for U. S. Allied Forces to be safe, we must
21 provide both U. S. and allied aircrews with the
22 highest caliber training. Combat readiness requires
23 constant training, and is another reason behind this
24 proposal. The U. S. and its allies must train the
25 way they intend to fight. Responding to the

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1 government's new military strategy and increased
2 risk demands a high degree of proficiency.

3 Increasingly sophisticated weapons require
4 equally sophisticated training. There are three main
5 components in today's aircrew training; low-altitude
6 training, air-to-air training and air-to-ground
7 training. Proficiency in all three is vital. We want
8 to ensure that people fighting along side us are
9 just as combat ready as we are. Holloman is
10 well-suited for further growth in the German Air
11 Force training mission.

12 In addition to having the infrastructure to
13 support the 12 Tornados already at Holloman, the
14 base offers available land, air space areas, support
15 facilities, local community support, and the benefit
16 of being located near the German Air Force command
17 headquarters at Fort Bliss near El Paso, Texas.

18 These features contributed to the successful
19 relocation of the 12 Tornado aircraft and 300
20 support personnel at Holloman in 1996. Our proposal
21 helps ensure continued combat readiness because it
22 provides realistic training opportunities.

23 But another integral part of our mission is
24 serving as a good neighbor and a steward the
25 environment. That makes it important to us that you

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insist in the decision-making process for this proposal and at any time you have concerns about our operations or activities. Our Public Affairs phone number is 505-475-5406. Community input has already led us to define avoidance areas or to raise minimum flying altitude over and distance from specific sensitive areas. We also work with the Federal Aviation Administration to reduce potential impacts to civilian aviation by providing advance notice when we're using many airspace areas.

In our role as caretakers of the environment, we believe environmental stewardship is important and can be accomplished hand in hand with the military mission. We manage our installations to sustain diverse environments and monitor the condition of natural resources, including air and water quality and land conditions to ensure that there is little or no degradation. We work closely with agencies such as the Bureau of Land Management, the U. S. Forest Service and the U. S. Fish and Wildlife Service to protect and enhance resources and minimize impacts to sensitive areas.

Now, I'll outline the main components of the proposal to expand the German Air Force's presence and establish the German Air Force

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Replacement Training Unit at Holloman. The Replacement Training Unit would function as a "school" for German Air Force Tornado aircrews.

First, the proposal includes facility construction and relocating an additional 640 personnel to support training of German aircrews in the 30 additional Tornados.

Second, it includes aircraft training and airspace throughout the region, and third in order to meet the needs of the Tornado aircrews, three training options are considered within the proposed action: construction and operation of a new air-to-ground tactical target complex at one of two locations on McGregor Range or use of existing military training ranges at White Sands Missile Range and Melrose Range near Clovis, New Mexico to accommodate training requirements.

This "beddown" of 30 additional Tornado aircraft would require construction of administrative and academic buildings, headquarters and operations buildings, a flight simulator, supply and maintenance facilities, hangers and dormitories on Holloman Air Force Base. Construction would total over \$100 million. All of the construction and relocation expenses directly related to the Germans,

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1 would be paid for by the German government.

2 A variety of airspace is needed to support the
3 German Air Force mission. Airspace needs includes
4 military training routes, low-altitude maneuvers,
5 military operations areas, or large areas of
6 airspace where military aircraft practice
7 air-intercept training, and areas restricted to
8 military use.

9 The proposed action would result in an addition
10 of approximately 2,800 sorties on military training
11 routes, 3,200 additional air-to-air, or "dogfight"
12 sorties in military operations areas or restricted
13 areas, and 2,600 air-to-ground range sorties per
14 year.

15 Aerial refueling operations would also be
16 performed. These sortie numbers are not cumulative.
17 By that I mean you simply cannot add up all those
18 numbers and arrive at a total number of sorties that
19 would be flown by the additional aircraft. A single
20 sortie may include use of low-level training -- of a
21 low-level training route, then perform in-flight
22 refueling. Then the use of military operations area
23 for air-to-air training, and finally delivery of
24 training ordnance on an air-to-ground range.

25 Currently the majority of tactical

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1 air-to-ground training is conducted in White Sands
2 Missile Range. According to national policy White
3 Sands' mission of research, development, tests and
4 evaluation has priority over Holloman's training
5 mission. As a result, it is presently difficult to
6 get adequate time to train in White Sands airspace.
7 Adding 30 more aircraft at Holloman would only
8 increase the problem. In addition, terrain features
9 of the Red Rio and Oscura target complexes preclude
10 their use for training in certain types of munitions
11 deliveries.

12 We are looking at three options to meet the
13 air-to-ground training requirements of the Tornado
14 aircrews. Two of the options involve construction of
15 a new target complex for air-to-ground training on
16 McGregor Range which is controlled on the Army's
17 Fort Bliss. One option is a location on western
18 Otero Mesa, and the second for the new target
19 complex is location in the Tularosa Basin portion of
20 the range. If a new target complex were to be built,
21 it would be comprised of a 2-by-4-mile impact area
22 within a 12-by-15-mile safety area. Construction
23 activities would be primarily confined to the
24 2-by-4-mile impact area. No live ordnance would be
25 used on the new target complex.

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Although not operationally desirable, the third option is to use only existing ranges in New Mexico to support the additional aircraft. These would include Red Rio and Oscura on White Sands Missile Range west west of Carrizozo, New Mexico and Melrose Range near Clovis, New Mexico.

These training options differ only with respect to utilization of airspace and ranges. Aircraft would access either of the new target complex options or the existing ranges using military training routes.

Let's go over a few maps here to explain some of the locations I was just discussing. This first slide shows, first of all, this is Holloman Air Force Base where I was pointing with the red light. Just to the west of it is White Sands Missile Range here. White Sands Missile Range in blue. To the south is McGregor Range down here in light blue and then you can see various military operations areas on the map.

The 3,200 sorties I was referring to would be primarily flown on the two restricted areas here at the Beak and Talon MOAs.

We occasionally use the Pecos MOA and we do not use the Valentine MOAs or any of the MOAs here to

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the west.

Next slide, please. Very busy slide here. It shows color coded military training routes that are in our local area. The -- Again to orient you the green circle here is Holloman Air Force Base in the middle. You can see White Sands Missile Range just to the west. Down here is Alpine in the corner. All of these low-level routes we use with the exception of IR-178 which runs from up in New Mexico and comes around on this green line here. We do not fly that out of Holloman, and also VR-196 that goes also by Alpine here. We do not use that route either.

Okay. Next slide, please. And there's 2,800 sorties that will be flown on the other routes shown. This slide here shows our local area of ground ranges and the ranges that are listed in red would be the ranges that we would use as part of the existing ranges option. Remember there were three options. One of the options would be to just use those ranges in red.

Quickly to discussion on those ranges. Here is Holloman Air Force Base in the middle. Then 45 miles to the north -- 45 miles to the north of Holloman is Red Rio Range. It is a tactical range that is inside of White Sands Missile Range.

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When I say tactical range, it has an

assimilated airfield complex on it, convoys, missile sights, industrial complex. There's a lot of different tactical charges for the Air Force to train on. It also has single live-drop charges for live ordnance. The targets are not scored and the range is not manned.

Just to the south of it is a Oscura Range which is 35 miles south of the base and it is a conventional bombing range. It has two targets with concentric circles around them. It is scored. It is a manned range.

A lot of people don't realize that on McGregor Range itself there is already a Class C target on the range. A Class C target means a single target with concentric circles around it. It is not scored and it is not manned.

One hundred forty-four thousand miles to the northeast is Melrose Range by Cannon Air Force Base. It is a tactical range and a conventional range.

Donna Ana Range we've got shown here. That is a range that the Army uses for their live artillery, firing and their maneuvering that we do not fly on.

Next slide, please. Okay. This slide shows --

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Remember one of the options for the air-to-ground training was to use existing ranges. The other two options are shown here on McGregor Range. To orient you on this map, Oro Grande sits over here. If you're familiar with the area, this is Highway 506 that cuts through the road, cuts through the range. These two dashed red boxes are the two proposed locations. We refer to this one as the West Otero Mesa site location and this one as the Tularosa Basin location.

You'll often hear us refer to them as on the Mesa and off the Mesa. The mesa is defined, if you follow my laser pointer, this green mark along here is an escarpment. That's several hundred feet high and that's what defines on the Mesa versus off the mesa.

Both of these training options here, neither one of them require the move -- the moving of Highway 506 that is here, nor the movement of the power line.

Another small point is the location that is on the mesa does split two different grazing units. Grazing unit nine and thirteen evenly. Both of these impact areas are just a little over five thousand acres.

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1 This dark blue line coming down on this map is
2 a water pipeline. That comes out of the foothills
3 here. That is used to bring water to some of the
4 drafts -- water drafts for the cattle. If that
5 option was chosen that water -- that pipeline would
6 have to be moved.

7 And the last point I want to make on this map
8 is it's very light and difficult to see, but this
9 was the safety plan I was referring to that's 27,000
10 feet around these impact areas.

11 The public and ranchers would not be allowed
12 inside the 5,000 acres or the 2-by-4-mile area
13 access would have to be controlled there all the
14 time.

15 Outside of that -- Inside of this 27,000 foot
16 safety fan access would have to be controlled when
17 the range is in use for safety reasons, but
18 sportsmen would still be able to hunt in that area.
19 They can hunt on the weekend, or ranchers, before we
20 start flying or at the end of flying, to check on
21 their cattle.

22 Next slide, please. The airspace that would be
23 used could include modified military training routes
24 and the structured airspace in southern New Mexico
25 and West Texas that were contained in a separate

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1 proposal by the Air Force and addressed in a Final
2 Environmental Assessment or EA entitled Proposed Air
3 Force Modifications to Support Units at Holloman Air
4 Force Base.

5 That action involves establishment of an air
6 refueling route. This EA has been approved by the
7 Air Force and is currently undergoing review by the
8 FAA. If this airspace modification is not
9 implemented, existing airspace would be used to
10 support the increased Tornado aircraft.

11 These differences in airspace availability and
12 utilization are taken into account in the analysis
13 of impacts in the EIS that are addressed today. Ms.
14 Parker will discuss these impact shortly.

15 In addition to the proposed action and its
16 three training options, the EIS includes the
17 "no-action alternative," which analyzes the
18 environment without the additional aircraft and
19 aircrew relocation, target complex construction or
20 change in airspace utilization.

21 This alternative does, however, include some
22 other actions that have already been adopted, such
23 as the change from F-111 to F-16 aircraft at Cannon
24 Air Force Base.

25 The proposal to expand German Air Force

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1 operations at Holloman is important to our country
2 because it advances our efforts to keep our nation
3 and its vital interests safe through a strong and
4 well-trained allied team, despite the fact that
5 U. S. military forces are much smaller today.
6 Keeping this team ready requires constant realistic
7 training now more than ever before. And central to
8 this proposal and our ongoing mission is to serve as
9 good neighbors and stewards of the environment.

10 Thank you for your attention. I appreciate the
11 opportunity to make this presentation tonight.

12 JUDGE HEUPEL: Thank you, Colonel
13 Hargarten.

14 Now, Ms. Parker will summarize the
15 environmental impacts associated with this analysis.

16 MS. PARKER: Thank you, Colonel Hargarten.

17 This Draft EIS describes the Environmental
18 Impact associated with implementing the proposed
19 action which is to relocate 30 more German aircraft
20 and associated personnel and support facilities to
21 Holloman Air Force Base, and the three training
22 options that are part of the proposed action.

23 As Colonel Hargarten mentioned, there are three
24 main components of our proposal. One is the
25 construction at Holloman to support the additional

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1 aircraft, personnel and the programmatic needs.
2 Two, is the training and airspace throughout the
3 region and three are the three training options to
4 meet the air-to-ground training requirements.

5 We looked at three options to satisfy the needs
6 for increased air-to-ground training. Two of these
7 options involve new construction on the McGregor
8 Range, and the third option would increase use of
9 existing ranges. We also looked at the use of
10 airspace in a region. The Air Force has requested
11 that the Federal Aviation Administration approve
12 modification of military training routes in New
13 Mexico and southwest Texas and the Talon military
14 operations area in New Mexico. The Draft EIS
15 examined the environmental affects of the proposed
16 action both with and without this modified airspace.
17 Also, as I mentioned previously, we examined the
18 no-action alternative, which considers not
19 implementing the proposal and, therefore, results in
20 no change or no impact to any of the environmental
21 analysis categories.

22 I'll discuss the overall impact to the
23 environment associated with implementing the
24 proposed action, impacts to airspace use and
25 management, Environmental Impact of constructing one

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of the two new target complex options, as well as the option of using existing ranges. Existing ranges include Oscura and Red Rio on White Sands Missile Range, which is west of Carrizozo, New Mexico and Melrose Range located near Clovis, New Mexico. These three ranges would be used under all three training options, but their use would be considerably higher under the existing range training option.

Before going into the specific impacts, I want to explain how the impact of the proposed action were compared to environmental conditions without the proposed action. First, we describe the existing environmental condition in the fiscal year 1995, however, has Colonel Hargarten mentioned earlier, there are a number of actions that have already been approved that will occur whether or not the additional 30 Tornados are brought to Holloman. For example, in 1995 the 12 Tornados that are already at Holloman had not yet arrived. Also a squadron of AT-38s at the base were activated were just this year. Also Cannon Air Force Base is in the process of converting from F-111s to F-16 aircraft and they will be using some of the airspace that the Tornados would use.

Therefore, to provide a baseline to compare to

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the actions, we projected the environmental conditions that could be expected to exist at the time the additional Tornados would be brought to Holloman. This projected baseline includes the ongoing actions that would occur between 1995 and the fall of 1999 or the first quarter of fiscal year 2,000 when the 30 Tornados would be bedded down.

The Draft EIS also discusses cumulative impacts from the proposed action in combination with other reasonably foreseeable Department of Defense actions affecting Holloman Air Force Base and the airspace and ranges in the region.

At any given time there are a number of potential actions that could include facing aircraft, changes in mission for the aircraft at a particular base or new construction at a base that the Air Force might be discussing or contemplating. Many never make it past the discussion stage, but some do and it's not always possible to call them reasonably foreseeable actions during the early discussion stage.

As an example, development of the new F-22 Rafter aircraft is well underway, but the basing process is not yet out of the discussion stage, therefore, including the discussion of the

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possibility of basing an operational unit at Holloman is not necessary because it is not now reasonably foreseeable.

The Air Force is also discussing establishing a new electronic scoring site for bomber aircraft, and if the decision were made to pursue that range for those target scoring sights, it will probably be or potentially be located somewhere in the mountainous west or southwest, but the definitive criteria that is necessary to formulate this discussion into a proposal has not yet been developed, therefore, its precise location is not reasonably foreseeable and the analysis is not included in this EIS.

Now to summarize the findings of the Draft EIS and the 13 environmental areas analyzed in the document. Tonight's briefing is an overview of the general findings in each discipline. I recommend that you refer to the Draft EIS for the detailed resource impacts.

The first resource area we examined was airspace and management. Our analysis found that there would be minor impacts to civil aircraft traffic due to the increased operations at Holloman. None of the three training options under the proposed action would have any significant airspace

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impacts.

The noise analysis examined impacts around the Holloman Airfield and the airspace and ranges that would be used. At Holloman and the surrounding area, about 41 acres are currently exposed to day-night average sound levels of 65 decibels or more. Day-night average sound level is a measurement that averages noise for multiple events, such as jets taking off or flying overhead over a typical 24-hour period.

The measure adds 10 decibels to events that take place between 10 p. m. at night and 7 a.m. in the morning because of an increase in sensitivity at night.

By October 1999 the effected area would increase to about 42 acres due to other ongoing activities. Implementation of the proposed action would further increase this to about 47 acres, which is a change of about 12 percent for either the West Otero Mesa or the Tularosa Basin training option. Sound levels under most affected airspace away from Holloman would remain essentially consistent or increased by a few decibels.

In no case would the average sound level increase by more than six decibels. Under the

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existing range training option, sound levels under effected airspace would increase negligibly at most locations or even decrease in some instances, but there are some instances, such as under the Pecos Military Operations Area near Fort Sumner, that sound levels would increase by as much as 13 decibels from their existing levels to about 45 to 46 day-night average sound level to about 57 to 59 decibels. Except at the air-to-ground ranges themselves, none of the airspace areas, the military operations areas and the training routes would have an average noise level above 65 decibels under any of the options.

Increased operations of Holloman Air Force Base would result in increased noise over portions of White Sands National Monument. Other changes in overflight in the affected airspace would result in negligible changes to sound levels at most locations, with no significant effect on the land use.

In some areas east of McGregor Range and southwest of Artesia, particularly where airspace units will overlap there will be a noticeable increase in the number of overflights that could be annoying to residents and outdoor recreationists.

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Under the Existing Range training option, areas near places like Capitan Mountain and Sumner Lake would experience higher overflight increases that could also be annoying to recreationalists, however, even with the increases, the total number of overflights would remain low with any one location unlikely to be overflown more than once a day.

Construction of a new target complex at McGregor Range would result in a reduction to access to portions of Otero Mesa that are south of Highway 506 by recreationalists, BLM workers and ranchers. Access for livestock management, for example, would need to be scheduled around the time that the complex would be in use, which is estimated to be about 60 hours a week. Livestock grazing would be able to continue, however, even when the complex is being used.

If the new target complex were constructed on the West Otero Basin portion, about 5,200 acres would be removed from grazing. Under the Tularosa Basin option, no land would be removed from grazing, but access to portions of Otero Mesa would still be restricted for people while the target complex is in use. Neither option would effect access along Highway 506 itself.

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Air quality would not be significantly impacted by this proposed action. There would be temporary increases in air emissions during construction of the facilities at Holloman and if a new target complex were built, but these emissions would not result in significant impact to the air quality conditions including visibility conditions. Aircraft conditions would also increase, but these emissions would not be at levels enough to effect adherence to the national ambient air quality standards.

Potential impacts to biological resources from implementing the proposed action would include habitat loss, habitat modification, changes in habitat use by animals, direct loss of animals and temporary disturbance from noise.

About 36 acres of vegetation with limited wildlife value would be disturbed at Holloman Air Force Base for construction of facilities. In addition, an existing building that is used by rats -- bats not rats, as a roost would be demolished. Burrowing owls in the vicinity of the proposed facilities would be relocated. There would be no impacts to threaten or endanger species or to wetlands.

Other potential impacts would include continued

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disturbance of vegetation and habitat at the existing ranges and a continued temporary wildlife disturbance from noise under existing airspace. Aircraft flights would increase over much of the existing airspace compared to the baseline, but the increases would be relatively small and result in small increased potential disturbance the wildlife. Peregrine falcon and Mexican spotted owl nests would potentially be overflowed more frequently in the area of the Lincoln National Forest, Sacramento Mountains and Gila wilderness in New Mexico and the Apache-Sitgreaves National Forest in Arizona. Southwest willow flycatcher nest habitat along the Rio Grande and in Arizona may also be overflowed.

Similarly, the bald eagle winter concentration areas in west-central Arizona, which is the portion of the Rio Grande in the region around Elephant Butte Reservoir and the Brantley Lake and the Santa Rosa Lake along the Pecos River potentially would be overflowed more frequently.

These daily overflight increases would be relatively small and result in a low impact to the protected species. Consultation with the U. S. Fish and Wildlife Services would be completed prior to any use of the airspace to implement the proposed

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1 action.

2 Impacts associated with construction and use of
3 a new target complex in Otero Mesa would result in a
4 net loss of 500 to 1,040 acres from construction of
5 targets, fire breaks and roads.

6 In addition, annual redisturbance would occur
7 during ordnance and maintenance. Use of inert
8 ordnance would increase the potentials for fires
9 within the impact areas. Up to 46,000 linear feet of
10 waters of the U. S. may be affected under this
11 option.

12 Loss of this grassland and shrubland vegetation
13 would result in a minor loss of wildlife habitat
14 including habitat for burrowing owls, aplomado
15 falcon and black tail prairie dog and gramma grass
16 package habitat.

17 Also wildlife would probably avoid the new
18 target complex while the ordnance was being dropped
19 and during cleanup and maintenance because of the
20 human presence and the noise.

21 Increased aircraft sorties would result in more
22 frequent overflights of wildlife on the McGregor
23 Range. For example, wintering bald eagles, nesting
24 raptor such as the red-tailed hawks and the northern
25 harriers, and bat habitat including potential roosts

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1 along the escarpment and feeding areas and watering
2 sources would be overflowed more frequently.

3 Impacts associated with construction and use of
4 the new target complex in the Tularosa Basin base
5 portion of McGregor Range would include short term
6 loss of virtually all 5,120 acres within the impact
7 area because of the need to remove existing ordnance
8 before constructing the targets.

9 In addition, an annual redisturbance of about
10 1,040 acres would occur during ordnance cleanup and
11 maintenance. Use of inert ordnance and flares would
12 also increase the potential for fires under this
13 option. About 33,240 linear feet of waters of the
14 U. S. may be affected by the construction and use of
15 this option.

16 Loss of this grassland -- shrubland vegetation
17 would result in a loss of wildlife habitat including
18 for aplomado falcon and night-blooming cereus. As
19 with the West Otero Mesa option, wildlife would
20 probably avoid the new target complex during
21 dropping of inert ordnance and during cleanup and
22 maintenance because of the human presence and the
23 noise.

24 Using only existing ranges would result in
25 slightly higher aircraft use of IR-113 and VR-176

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1 compared to the No-Action alternative. The increased
2 use of VR-176 would result in a small increase
3 potential for overflights of habitat of peregrine
4 falcons, Mexican spotted owls, bald eagles, whooping
5 crane and the southwest willow flycatchers.

6 Impacts from the proposed actions to cultural
7 resources on Holloman Air Force Base under airspace
8 areas or at existing ranges would be negligible. If
9 a new target complex were constructed on West Otero
10 Mesa, 17 sites are eligible or potentially eligible
11 for placement on the National Register of Historic
12 Places could be impacted. If a new target complex
13 were constructed in Tularosa Basin, 29 sites either
14 eligible or potentially eligible for placement on
15 the National Register could be affected.

16 Water resources would not be impacted by the
17 airspace components of the proposed action.
18 Construction and new facilities at Holloman would
19 result in increased runoff, but common engineering
20 practices would be used to prevent any serious
21 problems resulting from runoff. Increased use of
22 existing ranges would result in negligible impacts
23 caused by the runoff and there is an increased
24 potential for soil erosion during heavy rain.
25 However, resulting impacts to surface waters would

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1 be minimal.

2 Increased soil erosion and sediment transport
3 could result from construction and operation of a
4 target complex in the Tularosa Basin, but the
5 impacts would be negligible.

6 Impacts from the West Otero Mesa option would
7 be similar. In addition, there's a chance that water
8 resource improvements, such as pipelines, water
9 tanks and pump houses could be damaged by inert
10 ordnance. These improvements would be relocated as
11 necessary or repaired to ensure that the
12 availability of water for wildlife and livestock is
13 maintained.

14 There would be a 12 percent increase or about
15 13,500 pounds of hazardous waste generated per year
16 and an increase in use of hazardous and toxic
17 materials at Holloman. Hazardous materials would be
18 accumulated and disposed of in accordance with
19 established procedures and would result in no
20 significant impact on hazardous material and waste
21 management practices.

22 Hazardous materials and waste management are
23 largely unaffected by any airspace utilization.
24 Munitions on existing ranges would increase, but Air
25 Force ranges are cleared annually of scrap metal,

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1 which is disposed of through existing orders and
2 regulations.

3 Under any of the training options munitions use
4 would generate about 150,000 pounds of non-hazardous
5 scrap metal each year. Again, since the cleanup of
6 the disposal are in place to handle this waste,
7 there would be in significant impact to environment
8 or hazard from this activity.

9 The proposed action would result in an increase
10 of 640 military personnel at Holloman and generate
11 about 110 construction jobs. Annual wages and
12 purchases in Otero County would increase about 10
13 percent to 18.2 million with the potential for an
14 additional infrastructure improvements. There would
15 be no significant impact to socioeconomic
16 attributes, such as employment, construction, police
17 or fire protection.

18 Cost of construction of a new target complex on
19 West Otero Mesa is estimated at \$4 million, and the
20 Tularosa Basin option cost is estimated at \$20
21 million. Aerospace utilization is not -- not affected
22 of the socioeconomic conditions.

23 The only transportation impact resulting from
24 the proposed action would occur in the city of
25 Alamogordo. Although the proposed action would

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1 result in a relatively small increase in traffic.
2 There would be no adverse effect on traffic
3 conditions, potentially increasing congestion on the
4 main road that goes through Alamogordo.

5 Utility use at Holloman would increase between
6 six and thirteen percent under proposed action, but
7 the increase would be within the existing level of
8 service, and Alamogordo utility use. Water, waste
9 water treatment, waste disposal and electric and
10 natural gas supply would increase from three to six
11 percent. There would be no impact on utilities from
12 changes in airspace or range use.

13 If a new tactical target complex were built on
14 West Otero Mesa, a portion of existing waterlines
15 and a stock tank may need to be relocated. The other
16 training options would have no effect on the
17 utilities.

18 Construction at Holloman Air Force Base and Red
19 Rio and Oscura Impact Areas at impact and White
20 Sands Missile Range could effect soils, but because
21 of the present condition of these areas, the impact
22 would be minor.

23 Increased live munition drops at Red Rio could
24 increase vegetation loss and increase potential for
25 soil erosion. While increased use of live ordnance

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at Red Rio could result in increased contamination from uncombusted explosives, past use was found to have caused negligible soil contamination. If the Tularosa Basin new target complex were constructed, virtually 100 percent of the 5,120 impact area would be heavily impacted. That is, all vegetation would be removed in order to clean up existing unexploded ordnance.

If the West Otero Mesa complex were conducted, approximately 20 percent or about 1,040 acres of the vegetation would be removed. Soil conditions would be unaffected by airspace utilization.

Safety impacts resulting from facilities construction would be negligible. There would be a minor increase in risk of aircraft mishap and bird-aircraft strike if the proposed action was implemented. Although munitions use and handling would increase over the current conditions, range operating procedures are already in place to ensure safe operations, so no significant impact is expected under any of the training options. There is a potential for increased fire risks if one of the new target complex alternatives is selected.

The effects of this proposed action along with other actions which have recently been implemented,

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such as the 12 Tornados that were brought to Holloman last year, and actions which will be implemented in the reasonably foreseeable future, such as the change to the F-16s at Cannon Air Force Base we've addressed in the Draft EIS's Cumulative Impact Analysis.

A comparison was made between conditions as they prevailed for fiscal year 1995 and those that are projected for fiscal year 2,000 under the proposed action. For most resources, no significant cumulative impacts would occur following expansion of the German Air Force operations at Holloman. These resources include airspace management, air quality, archeological, cultural and historical resources, water resources, hazardous materials and waste management, safety, utilities, transportation and soils.

In most cases, cumulative impacts would be related to increases in aircraft operations and associated noise which could effect land uses and biological resources. Other activities, such as timber harvesting and grazing, could react to the habitat impacts, although these impacts would be minor. Other projects in Alamogordo could effect the employment and economic activities in the area.

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1 In summary, most locations affected by the
2 proposed action would receive negligible impact to
3 the environment. Areas that are projected to be
4 most affected, if the proposed action goes forward,
5 are areas near Alamogordo because of increases in
6 employment, population, traffic and aircraft
7 operations at the base, areas near Carrizozo because
8 of an increase in nearby overflights, areas west of
9 Truth or Consequences in which threatened and
10 endangered species, such as the bald eagle and
11 Mexican spotted owl, could be disturbed by potential
12 increase in overflights flights. The Fort Sumner
13 area because of potential increased nearby
14 overflights if there is an increase in use of the
15 Melrose Range. Near Dell City because of increased
16 nearby overflights, and the Alpine, Marfa, Fort
17 Davis area could experience increased nearby
18 overflights if expansion of the German Air Force
19 operations is approved.

20 Thank you for your interest and attention.

21 JUDGE HEUPEL: Thank you, Ms. Parker.

22 Now, we'll go ahead and take a break at this
23 time. If you have some clarifying questions you
24 would like to ask or if you would like to sign up to
25 make some comments, see the people back at the

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1 back. They'll have the cards.

2 I've got the cards for people that have already
3 signed up, but if you didn't sign up and you decide
4 now you'd like to, or you got some questions you'd
5 like to ask, we can do that.

6 Yes, ma'am?

7 UNIDENTIFIED FEMALE SPEAKER: Other than
8 people making their comments, will there be a time
9 for asking questions from you all about the
10 presentations just given?

11 JUDGE HEUPEL: If you have some questions
12 you want to ask about the presentations just given,
13 what I'd ask you to do is just go ahead and sign up
14 and we'll do that right during the comment period to
15 the extent that the people here can answer them.

16 UNIDENTIFIED FEMALE SPEAKER: You will
17 respond to a question asked.

18 JUDGE HEUPEL: Yes. To the extent that
19 the people here can respond to questions, we would
20 do it during the comment period. So if you'd like to
21 get some clarification or if you want to get more --
22 exactly what the impacts are versus Alamogordo or
23 whatever, just go ahead and get your card and
24 indicate you want to speak and I'll get it and we'll
25 get you called up. We'll take a 10 minute break.

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(Whereupon, a brief recess was held.)

JUDGE HEUPEL: There are quite a few cards here. Let me go through the process before I do that. There a couple of administrative matters I want to handle.

First of all, there are seven fact sheets or handouts concerning various parts of the environmental process and those will be made an exhibit, part of the Formal Environmental Statement and part of the Document itself.

In addition, in the back of the room there are five display boards, and those have been reduced to color handouts that I think are available and a handout of each of those display boards will also be made a part of the formal Environmental Impact Statement because these are being provided to you to try to help explain some of the things that are involved. It's important that they be part of the formal process and if some of your questions go to them, then we can try to have those answered or those would have to be answered in the final environmental statement document itself.

Okay. Now, as I say, I got a number of cards that have been handed in. As we go along, if you decide, even after we started in, that you'd like to

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make a public comment or ask some questions, raise your hand or go to the back and we got some more cards, and they'll bring those up to me.

Here's what I'd like to do. Don't speak until I've called upon you, and I'm going ask you to address your remarks to me as the hearing officer. If you've got a written statement, you can hand it to me. I'll be glad to take it. If you've got your comments in notes, I can tell you that the court reporter would be happy to have your notes to help in her preparation of the record, if you wouldn't mind giving those to her. She would appreciate that. You certainly can just turn in written comments here, but I think most of you, even if you've got the written comments, you'd like to read part of them or make your statement and that's fine.

When you start in, while I may have already called your name, I'm going to ask you to repeat your name and just indicate what city you're from or if you're representing a group to go ahead and indicate the group that you're representing. Speak into the microphone, again to help everybody to hear, help the court reporter to be able to record your comments.

As I indicated, the speaking is going to start

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1 out with five minutes and we've got more than a
 2 couple hours worth of speakers with just five
 3 minutes. If we got time at the end, I'll come back
 4 to people that I've called on previously if they
 5 indicate they need more time. Basically, what I'm
 6 going to do is at the end of five minutes I'm going
 7 to raise my hand, I'm going to ask you to go ahead
 8 and finish up the point that you're making, but
 9 don't go on to something else. Just ask you to go
 10 ahead and ask you to finish up. You don't have to
 11 just stop right there, but finish up the point
 12 you're working on and then if you go ahead and sit
 13 down so that everybody has an opportunity to speak.

14 If somebody else has said something that you
 15 want to say, "I agree with those remarks," that's
 16 fine too. You can say that, or you can say the
 17 remarks again yourself, whichever you prefer, but if
 18 you want to say I agree with remarks of so and so,
 19 that's fine.

20 Sometimes people ask: "Can I give my time to
 21 somebody else to speak?" and my answer to that is,
 22 no. I want to hear from everybody. So even if you
 23 have only a minute's worth of comments, that's
 24 fine. I want to hear from you. I really want to
 25 encourage people to come on up and speak and give

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1 your thoughts.

2 Finally, I'd state, we need to have only one
 3 person speaking at a time. The court reporter can't
 4 record two people speaking at a time, and if for
 5 some reason somebody needs to ask a question from
 6 the back, I'm going to need to have you come up to
 7 the microphone, again so that everybody can hear,
 8 but particularly so the court reporter can hear what
 9 it is that is being said.

10 With that in mind, I've got two people that are
 11 elected officials. I'll call on them first and then
 12 I'll go into random order with the rest of the
 13 people.

14 Mike McMiller, if you would please come up.

15 While he's coming up, Harold Pattillo, if you would
 16 come on up and have a seat up front, so you can
 17 start in when he's done.

18 MR. MCMILLER: I'm Mike McMiller. I'm a
 19 City Councilman for -- from Alpine. I have to put a
 20 disclaimer. I don't speak for the City Council as a
 21 whole. We haven't met on this and discussed it. I
 22 suspect we will be after this meeting, though. So
 23 the views are my own.

24 Some of the, really, things I have are
 25 questions. There's a lot of information that I

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1 don't think we had far enough in advance to develop
2 our arguments or thought process here so maybe in
3 the future meetings. That might be something that's
4 helpful. If you advance that and give us a chance
5 to see the same information that you have. That
6 would probably be helpful in these proceedings.

7 Some of the questions that I had -- one of them
8 is: How long is the Air Force intending to use this
9 route? Years? Months? What -- Is it a permanent
10 fixture that we're looking at? Who can answer that?

11 JUDGE HEUPEL: Is that something that
12 someone can answer at this juncture?

13 COLONEL HARGARTEN: Well, there's no time
14 limit to using the route, so I would say the best
15 answer would be indefinitely.

16 Now, the MOA or the memorandum of the agreement
17 with the German Air Force was a 10 year agreement,
18 but, of course, that's subject to being renewed, so
19 the best answer I would say would be if you're
20 making comments tonight, assume it's indefinite when
21 you're making your comments.

22 MR. MC MILLER: Okay. Before you leave, how
23 far as increased flights, is there another process
24 that addresses that or can you increase them on your
25 own without any public approval.

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COLONEL HARGARTEN: The environmental
process of the process we're going through here is
assessing a certain number of flights on these
routes. We can fly less than that, but we shouldn't
fly over that.

MR. MC MILLER: Okay. Who watches that?
Who do we -- who do we go look for when -- when we
think there's 5,400 flights instead of the estimated
43?

COLONEL HARGARTEN: Okay. You can either
go to air combat command with that address on the
fact sheets or you can just call Public Affairs at
Holloman on the phone number that we had on that
slide previously and we can report to the numbers
already filed in the previous year. That data,
we've go --

By the way, as we do some of these tonight, I
have some other experts in the room with me tonight
and I might call on them to help me out on some of
these questions, but we can provide that data -- as
we use the airspace over the next few years, we can
provide that data to you on historical usage.

MR. MC MILLER: Regarding the Environmental
Impact, the Air Force, I'm sure, generally has a
margin of loss, plus and minus of lost aircraft. Is

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1 that number being assessed in this situation, and
2 that is regarding the Environmental Impact?

3 COLONEL HARGARTEN: Yes. It's in
4 excruciating detail in there. In fact, a lot of
5 times we can't recall numbers in there because
6 there's somewhere between 10 and 30,000 numbers
7 probably in this one document, but every aircraft
8 that will be flying on the route, its historic
9 safety record is applied against those different
10 routes to try to anticipate, "Well, what is the
11 chance of having an accident over -- or
12 statistically when would a F-4, a Tornado, a B-1
13 have an accident in a certain military operating
14 area or in a certain low-level route based on the
15 amount of usage?"

16 So if a route was used a lot, it would -- and
17 that aircraft had a higher accident rate, there
18 would be a higher chance of having a -- a accident
19 in a shorter time period. Maybe it might be one
20 accident in twenty years versus one accident in 40
21 years.

22 Does this make sense to you?

23 MR. MCMILLER: Well, is it in the book?

24 COLONEL HARGARTEN: Yes, sir. It's in
25 great detail.

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1 MR. MCMILLER: How do we obtain those?

2 COLONEL HARGARTEN: The list of the
3 libraries we could give you that information, in
4 fact, it's in one of the fact sheets that list all
5 the locations for the documents in the back and you
6 can go to -- most of the public libraries will mail
7 it to you.

8 MS. PARKER: On the sign up sheet, if you
9 don't have a copy of the Draft EIS and you would
10 like to get your own copy, you can request that on
11 the assignment sheet as well. That would be in
12 addition to receiving the final, but there are --
13 there are copies of the draft located in the various
14 libraries.

15 MR. MCMILLER: I have some hazardous --
16 hazardous materials questions for Ms. Parker, I
17 guess.

18 What -- One of the questions I have is what
19 type of hazardous material are these planes going to
20 be carrying? Fuel? Munitions? What?

21 MS. PARKER: The planes themselves are not
22 going to be carrying any hazardous materials. The
23 hazardous materials that we're talking about are
24 those that can be utilized for the maintenance of
25 the aircraft in space.

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AP-3 1 MR. MCMILLER: Okay. If they're used in
2 bomb ranges or -- or practice bombing?

3 MS. PARKER: Live ordnance is not being
4 utilized.

5 MR. MCMILLER: Okay. What type of
6 Environmental Impact would we expect from a -- from
7 a crash of a Tornado? I don't think any of us here
8 are familiar with what to expect, but it is a
9 possibility. So you guys have that information.
10 You have that experience, I would think. You've
11 seen them crash before, I would assume.

12 MS. PARKER: In regards to the
13 Environmental Impact there would be various things
14 that you would need to look at, including the fuel,
15 where actually the aircraft had the accident.
16 Because I'm not the expert in that, I would prefer
17 not to answer that question here, but that is made
18 part of the record and a response would be given in
19 the file in regards to that.

20 JUDGE HEUPEL: Let me just ask: Is there
21 a substantial difference between a Tornado and an
22 F-4 or some other military aircraft that would be
23 flying?

24 MS. PARKER: No, there wouldn't be.

25 COLONEL HARGARTEN: All the aircraft that

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1 are listed to fly in different routes, we have that
2 historic data. It is different from the period it
3 takes the aircraft, and it's usually assessed in
4 accidents in 100,000 hours. That's the way the Air
5 Force checks accident statistics, so one aircraft
6 may have an accident rate of 2.5 accidents per
7 100,000 flying hours and another aircraft may have
8 six.

9 MS. PARKER: But it would be no difference
10 in an aircraft -- if an F-4 crashed versus a Tornado
11 crashed.

12 COLONEL HARGARTEN: And the answer to that
13 question, the crash, it's very complicated because
14 the debris pattern that's involved depends on many
15 factors, How high was it? What was the impact
16 angle? Was it very low to the ground? Going
17 perpendicular to the ground or was it going straight
18 down towards the ground? There are many, many
19 factors. What type of terrain was it involved in?

20 MR. MCMILLER: Thanks. Another question
21 for Ms. Parker. I'm just curious. I've been on an
22 aircraft that were flying less than 1,000 feet. The
23 minimal decibel rating that you cited, I don't
24 recall it being minimal. I recall it being
25 deafening. That is one question I'm curious about,

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1 because we didn't discuss these -- these aircraft --
 2 MS. PARKER: What you need to look -- In
 3 the document there is a -- You need to distinguish
 4 between what's called the single event level and,
 5 that's what you and I hear when it flies directly
 6 overhead for that particular amount of time
 7 approximately 10 seconds versus 65 decibels over an
 8 average 24-hour period.

9 So what you were hearing as you said with your
 10 experience flying in the aircraft would be at that
 11 particular moment, at that particular time versus if
 12 you take the 10 flights that you had that day and
 13 average it over a 24-hour period, and that
 14 information on specific aircraft are given in the
 15 document as well.

16 JUDGE HEUPEL: Time.

17 MR. MCMILLER: Time?

18 JUDGE HEUPEL: Yes.

19 MR. MCMILLER: Well, I don't know if I
 20 speak for my neighbors, but I speak for myself.

21 Everybody has something to gain on this, but poor
 22 old West Texas once again. Maybe -- I was thinking
 23 maybe the Air Force could send some of that
 24 hazardous waste that's been collecting in Alamogordo
 25 and send it out to Sierra Blanca, and maybe we could

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1 make some money off that.

2 Thanks for helping us.

3 JUDGE HEUPEL: Thank you, Mr. McMiller.
 4 Mr. Pattillo.

5 MR. PATTILLO: All right. Harold Pattillo
 6 of Jeff Davis County. Republican chairman. I don't
 7 really know how to make an assessment of what you're
 8 doing in New Mexico, but I at least hope of what
 9 you're doing in New Mexico is over land that the
 10 government already owns, but it's a different
 11 instance in Texas where most of the land is owned by
 12 people who make a living with it, and I cannot see
 13 that -- what you're proposing for a West Texas is
 14 going to do anything except to the -- of the people
 15 and the animals of West Texas.

16 Now, we have been your friends, the people of
 17 West Texas, and certainly the party that I support
 18 and represent, the republican party has supported
 19 the military when other people and voters in the
 20 government -- in the country did not.

21 But when you become a bad neighbor, as it looks
 22 like this assessment is realizing, then it's -- the
 23 relationship changes, and as you well know, between
 24 two and three years ago Holloman almost closed if
 25 you hadn't had this German project to prop you up.

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1 When we write letters telling of all the
 2 damages that we incur if you start flying the
 3 low-level planes over Texas, and that stack of
 4 letters get so high from Holloman and not so high
 5 for Kirkland or some -- or for Cannon or one of the
 6 bases in another state, you're the one that we've
 7 got to, and it seems to me we can't -- we don't
 8 impact your internal workings, but we do have an
 9 opportunity through steadfast letter written
 10 complaints to the Department of the Defense to stop
 11 what you're doing over West Texas with the fatality
 12 of closing your business. Thank you.

13 JUDGE HEUPEL: Thank you, sir. I'm going
 14 call on two people. The first person to come up and
 15 speak and the second person to come up and have a
 16 chair. As each person comes up in the future, then
 17 I'll call on another person to come up and be in the
 18 chair or ready to speak.

19 The first speaker will be Ray Hendryx and the
 20 second speaker would be Mac White.

21 MR. HENDRYX: It was mentioned a little
 22 bit earlier that the FAA will be notified when
 23 flight operations in this area are scheduled. Now,
 24 can we assume that the times and the locations of
 25 these flight operations are all unclassified in

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1 public information?

2 MR. KING: Yes, sir. Dan King, Chief of
 3 Air Space and Ranges at Holloman Air Force Base.
 4 We're required to note when those flights are filed
 5 and there is public information available through
 6 the FAA through the flight service station.

7 MR. HENDRYX: How far in advance?

8 MR. KING: At least two hours in advance.
 9 A minimum of two hours. Usually twelve to
 10 twenty-four.

11 MR. HENDRYX: I ask this same question
 12 because this was brought up at a similar hearing a
 13 year ago, and I asked this question on the record
 14 and I asked if the news media could be notified in
 15 advance when flight ops would take place and I was
 16 told that we could and we would be. It hasn't
 17 happened and I can't get anybody to answer or return
 18 my phone calls and tell me why we -- what fell
 19 through.

20 MR. KING: Holloman is not flying in this
 21 area yet. We have not. We won't fly in this area
 22 for at least six months because that's how long it
 23 will take the publications done for Holloman to
 24 start flying here. There are other Air Force units
 25 flying down here, but it is not Holloman.

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1 MR. HENDRYX: I -- I understand that, but
2 when I called and asked -- when I called Holloman
3 Air Force Base and asked about it in trying to
4 arrange this, I couldn't get anybody to return my
5 calls; that's what I'm saying?

6 JUDGE HEUPEL: This is the gentleman you
7 need to speak with and perhaps you can get him your
8 phone number and you two can communicate.

9 MR. HENDRYX: Okay. Thank you.

10 JUDGE HEUPEL: After Mr. White will be, I
11 believe, it's Kaare Remme.

12 MR. WHITE: I'm Mac White. I live south
13 of Valentine, Texas on the Bryant Ranch, and it's
14 obvious that a lot of us people are concerned about
15 what the Air Force is wanting to do, but it seems
16 like in years in the past we've been to these same
17 meetings and talked the same discusses about what
18 Air Force is flying.

19 My particular statement I'd like to make
20 tonight is not so much related to what's going --
21 what plans for the future are, but what's going on
22 right now. It seems like, we're all taxpayers and
23 we're here dealing with the problems we have on a
24 daily basis, and my concern is, like, with Dyess Air
25 Force Base, and I'd much rather have been later on

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1 in the program to discuss some of this because I'm
2 sure some other people are going to have the same
3 concerns.

4 The B-1 bombers, they come over the Sierra Vera
5 flying quite low. I'm sure you'll familiar with it
6 because the taxpayers lost a plane on that mountain
7 four or five years ago.

8 This is what the B-1 looks like when it flies
9 into the Sierra Vera, and I was there that morning
10 fighting the fire and the crew lost their lives.

11 These low-level flights and these mountains are
12 pretty unforgiving, and technical problems or human
13 problems, errors are going to be made and those
14 losses are -- seem senseless to me, and I'm sure to
15 the family members they feel the same way; that
16 their sons were lost in that flight.

17 I went up there and I saw some things that I
18 never -- I never -- never would hope to see again.
19 It's unbelievable. The damage, and the devastation.
20 You just can't imagine. It's not like the plane
21 flying and the mountain sticking up in the air.
22 It's got millions of small pieces.

23 But anyway, we have a concern with that and we
24 thought we'd call the B-1s come down over the Sierra
25 Vera and they come up over what's called the

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Valentine Flat flying towards Chinati, and these pilots are down low, they shake you out of your bed, you call Dyess Air Force Base and a public relations officer says, "Well, I'm sorry. There's nobody here that can talk to you."

I want to know why when we call, it never seems to be important the next morning? Why anybody never bothers to call back? They have our phone number. They have our mailing address. There's no response.

And then my next deal is I want to know how accountable the Air Force Base is for the damages caused by all these low-level flights? There's several different things that could go wrong for livestock over fences and Lord knows what else. There's losses, and be able to go and prove that that is actually what caused it, although your -- this has not happened, but although your horse has run over the fence and his front leg has been severely cut. He may never be able to ride him again.

Who -- Am I suppose to absorb that? I can't prove that that flight put that horse over the fence. Who's going to prove all this? I mean, where is it going to end? That's my question. It just seems like the Air Force is wanting more and more

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and more, and it seems like it's never going to end. That's why we're here again tonight because we're right back to where we were 15 years ago when they wanted to do the high level, I believe, it was the Eagle that they flew the high altitude training, and it just seems like there ought to be some consideration in some other places.

Just because we're small people out here. We live and make our livings here. This lady was talking about the tourism and the recreational people, well, they come and go. Those that wake up every morning that live here, it's a little bit different. Thank you.

JUDGE HEUPEL: Thank you. After Mr. Remme will be Bob Jones.

MR. REMME: My name is Kaare Remme and I represent McCoy family and my family and the McCoy land and cattle company.

We have a number of ranch properties that are underlying in the area effected -- we have a number of properties that are underlying the area effected as well as some airstrips under there, as well as a number of families living under there.

I'd like to discuss a couple of things pertaining to this. One of them is that my concern

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1 is that of the alternatives presented here, I've
2 seen no evidence of you ever having considered the
3 use of some other bases other than Holloman.

4 Your activities seem to be limited to
5 facilitate a use of Holloman for the increase
6 training instead of some other base that does not
7 have to ask for the encroachment on private
8 property.

9 To whose advantage was the decision to increase
10 the activity at Holloman and why were we not first
11 asked to consider it's impact on us? More than half
12 of western U. S. and most of New Mexico is federal
13 land, so why can't the training be conducted there?
14 I feel very much as though our mountains are being
15 viewed as pylons on a race track.

16 I'd like to raise the following issues
17 pertaining to the proposal. One of them is safety,
18 because the great increase of speed of the aircraft
19 involved and because of lowering the altitude
20 involved, the ability of the other aircraft to
21 operate in the area to see and avoid will become
22 nearly impossible.

23 The safety of my men who will be working on
24 horseback directly under, along side and even above
25 these aircraft, will be seriously jeopardized.

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1 Crashes such as the B-1 that has already
2 occurred near Valentine, will jeopardize the people
3 and property on ground, including those ranches and
4 volunteers who may fight fires for days and nights
5 to finally get control of the situation.

6 Another issue is environmental. The noise
7 level as well as the nature of the noise will change
8 dramatically. This greatly, adversely affects the
9 quality of life of the people who live in the
10 effected areas. Many people satisfied in various
11 ways to live and enjoy living in such a special
12 pristine and quiet environment, and the enormous
13 intrusion proposed, would change that dramatically.

14 There's a considerable economic impact for the
15 property owners who will find the special solitude
16 of their property disrupted a great deal.

17 The wildlife will be adversely affected,
18 injured or changed by either their response to the
19 increased noise or their desensitization to the
20 increased noise.

21 Another issue that I think is very important
22 that we have the right to consider as citizens is
23 governmental liability. Because of an unnecessary
24 and considerable liability to our government has
25 incurred by allowing high speed and low-altitude

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1 operations over private property. It is simply not
2 prudent.

3 To persevere with this plan will represent an
4 attempt at a taking of the property while
5 simultaneously incurring the liability for our
6 government for the effects of the operation.

7 Thank you.

8 JUDGE HEUPEL: After Mr. Jones will be
9 Richard Simpson.

10 MR. JONES: My name is Bob Jones and my
11 address is Dell City, Texas. We ranch in New Mexico
12 and in Texas both and we own property on both sides
13 of the line.

14 I understand many comments here about why don't
15 we put this in New Mexico where the government owns
16 everything, and I beg to differ with some of you,
17 they don't. There's a lot of land up there that's in
18 private ownership that's being impacted by this, and
19 also school, and the beneficiaries of our children
20 in the State of New Mexico is going to be impacted
21 by this.

22 So the problem seems to me is that we have a
23 community of Alamogordo, we have the McGregor Range,
24 we have Holloman Air Force Base, we have the
25 American Air Force, the United States Air Force and

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1 the German Air Force that all are receiving positive
2 benefits from this, sometimes economic. Mostly
3 economic.

4 That's -- All of those people like us that live
5 in the rural areas and we've done it up there for 50
6 years and we're very familiar with it, and I know
7 there has been some of it here, but we receive all
8 the negative impacts with no compensation, no
9 thought of it, no remuneration for the problems, no
10 remuneration for all of the damages that have been
11 stated here earlier, so it's kind of a one-way
12 deal. The people that are actually -- that are
13 gaining by it, are not sacrificing anything and the
14 people that are losing by it are sacrificing maybe a
15 whole lot more than anybody knows.

16 So I have a few questions, I hope I can get
17 them to my friends over there. I understood up in
18 Dell City the other day that the 100 foot flying
19 level had been cleared and you had permission by the
20 residents all the way from the river to Sierra
21 Blanca to where you could turn back, is that so? I
22 want to ask you that.

23 Now, I'm sure it might become a surprise to
24 some of these people that they had given permission
25 for that.

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COLONEL HARGARTEN: Would you like an answer now?

MR. JONES: Yeah, I would like an answer because I think these people ought to have it. Does this come out of my five minutes?

COLONEL HARGARTEN: This map shows IR-102, 141 the low-level route. You can see Alpine, Fort Davis, McGregor Range up here. The term 102 and 141, 102 is flying at clockwise, 141 is just meant it's being flown counter clockwise.

Right now, the original proposal -- the whole route, as I remember it, was flown at 100 feet. Right now due to public comment we've raised the the altitude a little over 40 percent of the route to above 100 feet, and the sections that are shown in red are all modified routes that have been raised above -- above 100 feet.

The -- Up here, this is an older slide. In fact, Mr. King has the more current slide. There's a section that's just off of McGregor Range here. There's a low-level leg that was raised about six weeks to two months ago to 500 feet and the leg that comes into McGregor Range.

Does that answer your question?

MR. JONES: Yeah. Yeah. I was just told

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that the parts you have in red that goes down to the Rio Grand River and permission had been received from Texas to fly that 100 feet.

COLONEL HARGARTEN: Okay. Some of these -- There's a -- there's a story behind all of these changes. The change right here on what we call the short route and this the long route, if they come all the way down here, they take the short route. They hang a right or a left and they cut across right here on the short route, if you here me referring to that. These changes here actually -- these changes right here were due to discussions with the Border Patrol. The Border patrol has a lot of --

MR. JONES: I heard that. I have a -- Don't sit down. I understood from the lady awhile ago that none of the ordinance would be armed. Is that a guarantee for the future that there will be never armed ordinances used on this particular -- on those targets up there on McGregor.

COLONEL HARGARTEN: I can tell you if they were going to put a live drop target, there would have to be further analysis. They could -- we could not do that on its own.

MR. JONES: Would you -- would you do it

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1 with an ES or would you have to come back with an
2 EIS?
3 COLONEL HARGARTEN: I would think that
4 would be -- I'd have to turn it over to a lead back
5 for any opinions.

6 MS. PARKER: I would think that the
7 potential impact from -- from going from inert
8 ordnance to a live drop would highly require an EIS.

9 MR. JONES: Okay. Thank you.

10 And do we also have assurance that there would
11 never be changes in flight numbers and
12 configurations?

13 COLONEL HARGARTEN: We went above the
14 numbers -- I have another slide for if you if you'd
15 like me to show you.

16 MR. JONES: No.

17 COLONEL HARGARTEN: I have another slide
18 with the numbers that have been analyzed in both in
19 the EA and EIS for this route. If you were going to
20 go above those numbers, there would be -- have to be
21 further analysis.

22 MR. JONES: Okay.

23 COLONEL HARGARTEN: That's a short answer.

24 MR. JONES: I have two comments, no more
25 questions for you, so you can sit down.

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1 COLONEL HARGARTEN: All right.

2 MR. JONES: We checked a little bit and we
3 found out that this type of training with the German
4 Air Force and some of the others was being done in
5 England and they flew out over the ocean and came
6 back into the British lands to land, and the noise
7 was so bad that they kicked them out over there.

8 Then in Germany, the original intent to train
9 the German pilots was in the republic of Germany and
10 then they stopped that because of the -- the -- of
11 the problems that the population was having.

12 We also understood that the same thing was
13 happening Virginia, so, I guess, the -- my comment
14 is, and I made it before, a lot of these people
15 heard it, is that you're dealing with a situation
16 that has been unacceptable in other places and now
17 we get it. I think that's not too good and we feel
18 like, and I kind of represent the Otera County
19 ranching community up there, that we have -- if this
20 goes any further with it, we have very little choice
21 except to file an intent to sue for violation of
22 property rights and all those things. Thank you.

23 JUDGE HEUPEL: Thank you, sir. After

24 Mr. Simpson will be E. C. Locklgar.

25 MR. SIMPSON: I just have one quick

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1 question to clarify the 65 decibel level that you
2 were talking about. What units of time is that
3 you're talking about?

4 MR. PARKER: Unit they were using for the
5 65 decibel was over a 24-hour period.

6 MR. SIMPSON: Okay. So, it's 65 decibels
7 per day not a continuous level over 24 -- of an
8 average of --

9 MS. PARKER: It would be an average.

10 MR. SIMPSON: Okay. So --

11 MS. PARKER: Nothing was -- nothing was
12 higher than 65 decibels.

13 MR. SIMPSON: Okay. So that --

14 MS. PARKER: I did not say it was at 65
15 decibels.

16 MR. SIMPSON: But there could be many
17 events much higher than 65 decibels, but the average
18 would still turn out --

19 MS. PARKER: And I will -- and I will tell
20 you that when the aircraft flies over, it will not
21 be below 65 decibels. That would be considered a
22 single event level.

23 MR. SIMPSON: Yeah. And just so people
24 know, the threshold for pain is only about 100 and
25 110 decibels. So if you have very many events over

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1 a 24-hour period that would make it average out to
2 65 decibels, you're talking about some pretty high
3 level events, so. Thank you.

4 JUDGE HEUPEL: Thank you. After

5 Mr. Locklgar will be Louis Woodward. Mr. Locklgar.

6 MR. LOCKLGAR: Mr. Chairman, like a lot of
7 people here, this sometimes hit me pretty hard both
8 ways. I served in World War II and they asked me to
9 come back to Korea and I did.

10 It's not a lack of patriotism or a love for my
11 country, but the horror stories from a lady from
12 Langley gave us about New Mexico, I don't want it.
13 We don't need it. And it's not necessary.

14 The Bureau of Land Management owns hundreds of
15 thousands of square miles. I ask the question, why
16 don't they use the Bureau of Land Management's and
17 the federal lands?

18 My congressman told me they refused to allow
19 the Air Force to do it. I think she gave an
20 exceptional report on the Environmental Impact
21 Statement. I followed it just as close as I possibly
22 could, and finally the last 10 seconds, you just
23 scooped over what you were going to do with us.

24 Colonel, I understand that you are a member of
25 the Judge Advocate Chairman's Office, if you were in

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1 a civil trial, sir, you would have lost your case.
2 Thank you.

3 JUDGE HEUPEL: Thank you sir. After Louis
4 Woodward -- is Louis Woodward here? Oh, okay.

5 After Louis Woodward would be Howard Chamberlain.

6 Mr. Woodward.

7 MR. WOODWARD: I can relate somewhat to my
8 predecessor here at this stand. I see he's growing
9 up through his gray hair, and I'm growing out
10 through my shirt. I at one time was part of the
11 military. I consider myself pro-military,
12 conditionally. I certainly don't approve peeking
13 into bedroom windows.

14 . Several years back in the second armored
15 cavalry, and I don't think it's in the Air Force, I
16 think -- anyway, they needed a -- in Central Texas,
17 Hood, I believe it was, they asked and received
18 permission to establish temporary camps on my ranch
19 for an extended military training, and I neither
20 asked nor received compensation. They did -- they
21 did indicate if they did anything serious they would
22 reimburse me.

23 Along that line, if it had been a company that
24 was a private firm that was exploring for minerals,
25 I would have insisted and they would have complied

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1 with my requirements to build a diversion dam to
2 where they make temporary roads to help the
3 environment to prevent erosion.

4 Concerning these overflights, I'm concerned
5 about the domestic livestock and game animals when
6 they are very young.

7 In the early 40s, the very early 40s I might
8 say, it might have been up here on the hill. I
9 wasn't kicked out of very many colleges, but I did
10 attend Sul Ross here, in economics 101, page one,
11 the professor said that there was a strain that goes
12 from your heart to your pocket book.

13 Well, that works in everything including the
14 low-level flights that might jeopardize domestic
15 livestock and game animals. We in this area receive
16 some pay for the -- for the hunters that come out
17 and pay us to trespass on our land and to -- that is
18 a -- have quite a impact on our bottom line.

19 The gentleman from Dell City, and I feel the
20 same in some respects, my family has sheep in Dell
21 City. In the winter they graze in the alfalfa
22 fields, and we are concerned they might at low
23 levels, tend to make the sheep run and just a
24 little -- there's an electrical wire and they just
25 might run right over there.

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1 There's at present, and as a matter of fact
 2 within the last week, there was an airplane -- a
 3 B-52 come over at night, right over my head. How did
 4 I know it was a B-52? They come just to one side of
 5 my house to the east and they have for years.

6 There's another high-powered B-52 -- I don't
 7 know if it's high-powered, but I don't know --
 8 whatever -- Dyess Air Force Base come over and I
 9 complained several years back and ask them to move
 10 over and they did. They said they'll be back to me,
 11 but they wouldn't go -- and they moved and didn't
 12 need to get by.

13 And a few years later, which was two or three
 14 years back or maybe less, there was a B-52. They
 15 don't come over too often, but sometimes several a
 16 day. They got a little close to my house. They had
 17 been flying these similar to these fighter planes
 18 and I called them.

19 There had been a crash, I believe, with a
 20 B-52. It was probably based in Louisiana, and I
 21 expressed my sympathy for those involved and
 22 requested very politely if they would move their
 23 flight. I gave them the -- the latitude and
 24 longitude of my house and down to the degrees,
 25 minutes and seconds as best I could from the map

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1 that the meter company people had left out there.

2 They were nice and said they'd get back. They
 3 didn't get back to me by phone or anywhere else, but
 4 they did move, but they're coming back a little bit,
 5 like I say, within the last week the B-52 has come
 6 right over my house.

7 And as far as -- I don't care who's flying the
 8 plane, that's -- I don't really, really care. One
 9 time I was physically opposed to the -- considered
 10 reciprocating, if you know what -- what I mean.

11 I am a patriotic -- patriotic, but I do have
 12 reservations about not being -- showing me the
 13 courtesy to return my call and telling me that they
 14 can do what they could. They did help by moving over
 15 further for a little while.

16 And incidentally this is in the past now, we're
 17 talking about in the future maybe I'm out of order
 18 here, but if I may, Colonel, do you have one of your
 19 Lieutenants that's a navigator?

20 How far east would you go? Will you go as far
 21 as in 105 degrees west latitude or will you go north
 22 as far as 31 degrees north longitude in this German
 23 operation? If it's that way, it would be several
 24 miles.

JUDGE HEUPEL: Can you give those

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1 coordinates again and we'll see if we can get an
2 answer and get back to you. What were the
3 coordinates you're giving?

4 MR. WOODWARD: 31 degrees north longitude,
5 105 west latitude. That's where I live, but I do
6 have livestock in some other places. In the those
7 over flats like Mr. White, I believe it was, said he
8 had problems with the fences. I -- I don't go out
9 there and be on my whole ranch at one time every
10 night or every day, but twice including one incident
11 within the last three weeks in my own mind I know
12 the low flying aircraft because the live cattle will
13 run up and tear up the fence.

14 Another time in the past I know they did the
15 same thing again. I neither complained or asked
16 compensation from the Air Force, but I think they
17 should -- I think the Air Force should consider that
18 and give us if we ask for it a fair hearing and
19 possibly compensation. It's hard to prove, but
20 that's the way I feel about it.

21 I thank you for your time.

22 JUDGE HEUPEL: Thank you, sir. Just a
23 moment please. Go ahead.

24 MR. KING: Sir, just -- you mentioned the
25 105 and 31, I believe it was, the route goes to

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1 about 103' 50" on the east, it is well east of the
2 105 line and it goes down south of the 30 degree
3 line.

4 JUDGE HEUPEL: And after Mr. Chamberlain
5 will be Susan Curry. Let me ask -- She had
6 possibly -- Susan Curry do you still want to --

7 MS. CURRY: Yes, sir.

8 JUDGE HEUPEL: Okay. You'll be next,
9 ma'am.

10 CHAMBERLAIN: I'm Howard Chamberlain. My
11 viewpoint is very narrow right now. I don't have
12 the agricultural in this area yet maybe later.

13 That is the use of airspace. I'm a flight
14 instructor. I have been a flight instructor for a
15 little over 33 years I guess now. My wife is the
16 same. We're used to training people.

17 The problems of the military routes, which
18 we've lived with for a long time. Our standard
19 procedures to get student bodies, I'm not talking
20 about a well-qualified person, but somebody just
21 barely able to hang there in the air, sort to speak,
22 to get them through these areas is to go underneath
23 them.

24 All right. I don't want my student pilot
25 running at 100 feet. I want to get them away from

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there. With the way the airspace modifications have been proposed, I can understand the military reasons for it, I'm not opposed to that, but I think something needs to be thought more clearly about this potential conflict.

Looking at the figures that are -- the pictures that were up there a minute ago, we're going to have to penetrate that route to go to El Paso. We're going to have to penetrate that route to go almost anywhere else.

It's a rare training airplane that can get to the kinds of altitudes that are necessary to get over the top of those routes.

Our own airplane is going to take at least 10 to 15 minutes to get that high to get over that. I don't think it is a safe mix. I'm looking for a, maybe this is too early, but I'm looking for some plan to maintain the safety issue between the potential conflict, between civilian aircraft and military aircraft.

In this area, to my knowledge, civilian air route traffic control doesn't go anything below about 12,000 feet except in one very limited area, I maybe wrong in that number, but they don't go way down. Certainly not down to 100 feet or somewhere

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near that.

We have no good communication -- real-time communication that can be used. Saying something is hot is a two hour notice. I understand why it's done that way, but that doesn't help the person who has got a transition in that area. Just has no choice in the transition of that area. We need more complete information.

JUDGE HEUPEL: Mr. Chamberlain, before you sit down, let me just ask this question. Where specifically are your students flying out of?

CHAMBERLAIN: Okay. First, I have no local students. I just moved to the area here about a week ago, and just found out about what is going on so I'm trying to catch up.

If I were to have a student, we'd be out of Alpine flying here out of Alpine. Is that?

JUDGE HEUPEL: I ask that question to help the people be able to --

MR. CHAMBERLAIN: I understand.

JUDGE HEUPEL: -- look at it a little bit more when they're looking at your questions to provide answers.

MR. CHAMBERLAIN: Basically, we're surrounded.

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JUDGE HEUPEL: After Susan Curry will

be -- Nope. He already spoke. -- will be Kathleen White.

MS. CURRY: Thank you, Mr. Chairman. My name is Susan Curry and I live in Alpine or outside of Alpine, in the mountains in an area called Sunny Glen.

I am talking to specifically say that I definitely object to the flight patterns that you have here. For many of the same reasons that everybody else has spoken.

This is an issue that is totally nonpartisan. You're going to see people from all walks of life. From the ranchers. From those who are in tourism. To the retired folks that have moved here for the peace and quiet. All of the people who are going to be speaking, they're going to be very few who are going to be wanting this to be here.

But what I see is the biggest problem is that what we are experiencing is a very cumulative negative impact. It is not just the 12 Tornadoes or Tornadoes that are already going to be subjecting us to the noise levels that are ear-piercing at this point, but to add 30 more is just kind of like

"Well, we've already got this. Let's go ahead and

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we can do the rest because the lines are already here."

Last year when people spoke up and asked about the 12 that are already scheduled now even though they were vast objections to that, nobody said anything about 30 more. That is why when somebody says "Well, what is going to happen after these 30 are on? What's going to happen now that you have a new set of buildings there to structure for more and more and more?"

The objections that we place, we feel like we have -- we really don't have a voice, because it is a done deal. And this something that I'm hearing from many of the people in the community.

The reason why we feel this way is because all of the experience -- of the experiences of those who already are subjected to the noises can not be positive results.

They have found that even though in -- At the hearings, we're hearing "Oh, we want to hear your voice be heard. We want you to give us your problems." Yet when that happens, nobody gets any kind of results that are favorable to what their problems are, and we just simply feel like our voices are not heard. Mainly because it is a vast

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1 area and there are very few of us in this beautiful
2 rugged land to make the votes count.

3 We are not expendable commodities. We are
4 human beings and we really don't want to have this
5 be another problem set on top of other problems that
6 we have, such as the sulphur dioxide problem that is
7 coming from the carbon one and two plants, such as
8 the sludge that is blown in to the -- from the west
9 into the east and we're getting -- we're downwind
10 from sludge from New York, now we have a proposed
11 nuclear waste dump that is going to be two hours
12 upwind from us and above up water way from us.

13 These are all problems that when one group gets
14 in and says "Well, we've already polluted this much,
15 why don't we go ahead and do it more?" This is what
16 the people around here are feeling and this is the
17 frustration, and we hope that you do listen to our
18 pleas and look at what we're saying and realize that
19 it is a very definite impact on all of us.

20 Thank you.

21 JUDGE HEUPEL: Thank you. After Kathleen
22 White will be Daileen.

23 MS. WHITE: My name is Kathleen White and
24 my family has ranches in both Jeff Davis and
25 Presidio County south of highway 90 and outside of

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1 Marfa. All of which I think are of the proposed
2 low-level training flight.

3 My quest -- I have some clarifying questions
4 and part of it pertains to the EIS, and they have to
5 do with property interest as they extend in the air.
6 Which to my knowledge there are some. They do not
7 extend indefinitely, and to my knowledge it differs
8 from state to state usually not established by
9 statute, but in case law and generally, nationally
10 is what I've even been told, is that it is about
11 1,000 feet and sometimes -- and it's usually, as I
12 said, in case law varying state by state.

13 My question is: How does this proposal or does
14 this proposal and the analysis of the EIS address
15 the property interests within the altitude of the
16 proposed low-leveling flights and, therefore, on
17 what basis are you invading that space which in some
18 cases has been viewed as just plain trespass issue?

19 Perhaps there's a broad national security
20 umbrella in which the Air Force operates and is
21 immune to that, but that's my question.

22 MR. PATELLA: I'm Mike Patella. I'm an
23 attorney at Holloman at the Base Legal Office and
24 you did state the law fairly correctly. There is no
25 limit -- there is -- You don't own to the ceiling to

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1 the infinity.

2 FAA Regulations set a 550 feet limit per
3 structure, but just because they fly over 500 feet
4 doesn't mean you couldn't bring a tort suit --

5 MS. WHITE: For a non-trespass?

6 MR. PATELLA: For for a trespass. Just a
7 regular --

8 MS. WHITE: Or nuisance?

9 MR. PATELLA: -- nuisance or if it was
10 often enough. So those would be options to --

11 MS. WHITE: Are those issues at all
12 addressed in the Environmental Impact?

13 PATELLA: I don't believe so. That would
14 have to be an individual case by case basis.

15 MS. WHITE: In any of the proposals before
16 this program are the property interests for
17 low-level flights over private land been addressed?
18 I mean, is there any kind of analysis or
19 documentation by the Air Force to which you could
20 address me to for that issue? It seems kind of like
21 an obvious question.

22 MR. PATELLA: As far as I know, I didn't
23 work on the EIS, but it is not.

24 MS. WHITE: Okay.

25 MR. PATELLA: As far as I know, those

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1 particular questions are not addressed in the EIS.
2 Most of the law in this area is developed out of
3 case law with individuals like yourself --

4 MS. WHITE: And vary state to state?

5 MR. PATELLA: Yeah. They do vary to
6 state. I would imagine they vary judge to judge as
7 well.

8 MS. WHITE: A related question. You
9 might -- I don't know whether you'll be -- want to
10 answer it or not. Does the EIS in, and think it
11 would come under the category of socioeconomic
12 impact, address the question of property damage and
13 what is the burden of proof for that?

14 I mean, there's a lot of questions like that,
15 but can you answer the question if I feel I have
16 substantial property damage because of low -- these
17 low-level training flights, how -- what is the
18 burden of proof?

19 JUDGE HEUPEL: That could not be
20 addressed. That would not be addressed in the EIS
21 itself. That is not the type of thing that an EIS
22 is set up to cover.

23 MS. WHITE: But socioeconomic impacts, I
24 would think would --

25 JUDGE HEUPEL: Socioeconomic impacts are,

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1 but when you start talking about property rights and
2 legal -- legal rights, it's not a mechanism to
3 advise people on what their rights would be, in
4 other words, how they could proceed.

5 MS. WHITE: Let me rephrase my question
6 then. In that section of the EIS as it deals with
7 potential socioeconomic impact, have you addressed
8 damage to property from the low-level training
9 flights across West Texas?

10 COLONEL HARGARTEN: The only statement --
11 There is a statement in the EIS that there is no
12 study done, correct me if I'm wrong here, there is
13 no study done, that we are aware of, that assesses
14 property values as they relate to an MTR. For
15 example, if I owned a ranch, I would want to know
16 whether an MTR or a low-level went across my
17 property, I would like to know what does that do to
18 the value of my property?

19 MS. WHITE: I'm talking about a \$10,000
20 bull that hangs himself on a fence. That kind of
21 potential property.

22 MS. PARKER: What I'm looking at is you're
23 looking at potential environment impact from loss of
24 property that would include structural -- that would
25 include personal property.

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1 To realistically try to analyze the total
2 impact of the environment potentially you have a
3 \$10,000 bull, a \$50,000 structure. That would not
4 be physically possible in the environmental
5 statement.

6 MS. WHITE: But basic economy, at least a
7 significant part of the economy over which these
8 low-level training flights are proposed is livestock
9 production and figures from the Texas Department of
10 Agricultural on general cow numbers and average
11 price and all of that, I mean.

12 MS. PARKER: In that respect, the
13 actual -- the section that involves noise does look
14 at potential impacts to livestock and it does
15 reference studies that have occurred, and I will as
16 a side note, tell you that the Air Force is
17 currently involved in a study, and it's not final,
18 relating to property values and overflights. It's in
19 the draft stage. I don't know if it's in the
20 preliminary draft or the draft stage, but I work
21 alongside with one who is involved in that.

22 MS. WHITE: Is that going on in Holloman?

23 MS. PARKER: No, is not going on
24 specifically at Holloman. I believe what they're
25 doing is taking a more U. S. look at it, because it

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1 would be dependent upon on various areas as to how
2 the impact would occur, but it's not finalized.

3 So, yes, the Air Force is aware and they are
4 looking at it, but there is not a final document
5 yet.

6 MS. WHITE: Okay. Just in closing. I
7 think I speak for more people than myself in saying
8 this, if these low-level training flights were for
9 reasons that we could really see as palpable
10 immediate U. S. security reasons you would have a
11 very, very different response. Thank you.

12 JUDGE HEUPEL: Thank you. Is Daileen the
13 way you pronounce it?

14 MS. DAILEEN: Daileen.

15 JUDGE HEUPEL: Okay. And after you speak,
16 Mr. H. John who is in the back will speak.

17 MS. DAILEEN: May --

18 THE COURT REPORTER: You'll need to speak
19 up.

20 JUDGE HEUPEL: If you will get closer to
21 the microphone, please. In fact, let me pull it up
22 a little bit here.

23 MS. DAILEEN: My name is Daileen and I
24 live in Fort Davis. Two things I'd like to have
25 addressed in laymen's terms is the noise and how it

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1 impacts us as human beings not decibels, because we
2 don't have -- most of us don't know much about
3 decibels and I'd like to know how the turbulence
4 impacts us because when these jets come over at a
5 low-level, if one of us happens to be in the way,
6 the turbulence from the jet moving will also impact
7 us. It's not just if noise that impact us, but the
8 turbulence.

9 If you all will let us know this in laymen's
10 terms and not a bunch of formulas or figures or
11 things that we cannot relate to, I would appreciate
12 it.

13 JUDGE HEUPEL: I think I was asking the
14 question here for them to try to do that here
15 tonight would be rather difficult. Part of it also
16 gets down to and part of the reason why it gets into
17 the sciences is because what one person perceives
18 another person perceives differently, but we'll have
19 them to try to address that in the final EIS with
20 you.

21 MS. DAILEEN: But could you have it sent
22 to the newspapers, the Alpine Avalanche or the
23 Mountain Dispatch, but something that will let the
24 people know what this noise will do to you over a
25 long periods of time, and if it's over our

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ambulances, for instance, what's that turbulence does to that square box that is running down the highway when one of these planes comes over the top of him and tries to knock him off the road, or also that radio telescope that we have, when there's somebody working on the radio telescope if it comes over real low, it's going to knock the guy off and deafen him, permanently?

JUDGE HEUPEL: Let's see. Mr. John.

MR. JOHN: I like to say my name is John. I was born, as I can remember, a farce but my nanny was a woman named Entienne associated to Marilyn Monroe. I'm also associated to the quickest war in history, and some of the others that I've seen.

I became -- I became handicapped by some means of a visit to a ship yard in Brooklyn, New York. An officer that looked somewhat -- How can I put it? -- Fred Astaire as a captive of monitor and I saw him again before the hearing today in a subway.

So my accident is so evolved that it -- it evolves everyone here. Gentlemen of war, gentlemen of peace, because my lawsuit is so evolved that the wealth of, somewhat, this nation, this world is -- is a (Inaudible.) -- of manner because you must perseue as I am by means and every means

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possible, but what I've seen to help my life as a handicap for 10 years, close, that communism exists within a society.

This nation which I truly hold in the highest regards as a Heisman Trophy winner also in my years of second grade as phenomenal athlete of somewhat, but without the mental of a personalized spirit to live my outs of the way --

I'm a noble man. I read and write as I learn -- as I perceive I remember that I learned from the second years to -- of Saint --

THE COURT REPORTER: I'm sorry, sir. You're going to have speak up. I'm having a difficult time hearing you.

MR. JOHN: (Inaudible.) It's a Catholic dial -- dia -- diocese, excuse me, but the things I've seen -- I've even seen people all over the world. First I remember my years, as I say, the second years of my -- the second years of elementary school speaking to Kennedy and someone signing me to (Inaudible.) -- school -- school -- a public school to -- to see the lavish --

UNIDENTIFIED MALE SPEAKER: You need to speak into the microphone.

JUDGE HEUPEL: You need to get the

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1 microphone closer.

2 MR. JOHN: Yes. -- the lavish reports of
3 visible, such as my proverbial school, my Catholic
4 school which versus the public school city
5 operates -- the government pays rather.

6 The difference in people are -- of color and
7 understanding that, as I seen it, I was deprived in
8 a way, because I was so intensely gratified that
9 they -- the strength of Catholic school that I
10 became a moral character to myself and to, somewhat
11 society.

12 I -- I've seen people in trains. I'm the only
13 one in New York City associated with (Inaudible.)
14 With many -- Houston, Texas also and Dallas and all
15 over the world, but I've seen people run by the
16 trains --

17 UNIDENTIFIED MALE SPEAKER: What's your
18 point?

19 MR. JOHN: -- of a phenomenal
20 understanding with physical attributes that even to
21 people that I speak to as a commoner have told me
22 things that are missing in this transfer beyond --
23 beyond Australia, but the thing mostly I -- I really
24 want to say is I believe this country should be the
25 most strength and glorified as we are the guardian

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1 of the world.

2 That is publicly written, and some things in
3 history books are so poorly said that Hitler was the
4 one that killed Damascus area of the bodies, but it
5 was -- it was a -- a different Hitler totally and --
6 Churchill is a proper association to Hitler.

7 But I guess -- I assume all these men, as I
8 categorize them, totally independent of somewhat
9 Churchill, Hoover or Kennedy, some -- even Brisner,
10 (SIC), but as you see the characters are so
11 well-portrayed in difference to each other. They
12 went to war, and that should not have happened,
13 but -- so intervention exists within the United
14 States in a classical way.

15 My name is Mendivendozo. I apologize. I
16 haven't been more elaborate with you to
17 circumstances. I believe civil war was about to
18 erupt within this nation as mender also the pass
19 war.

20 JUDGE HEUPEL: Your time is up.

21 MR. JOHN: Okay. Let me have one minute.
22 Okay. How can I say? Well, I wish you all the best
23 in the world.

24 Oh, I've seen the Salvador systems of refuge
25 air -- aircraft, brand new aircraft, such as the

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1 largest fueler in the world in California. I
 2 traveled back and forth and I've been all over the
 3 country, out of the area, Indiana, from New York to
 4 California, but it is frightening to me that these
 5 aircraft can be found around the world, but as
 6 Churchill -- I say to the Chinese and Japanese and
 7 all these people, I fear should be -- from this
 8 country and all foreigners.

9 Okay. Got to go.

10 JUDGE HEUPEL: Thank you. Our next speaker
 11 will be Lois Mac McCollum followed by Jim White.

12 MS. MCCOLLUM: My address is 505 South
 13 Lackey. If any of you want to discuss in detail
 14 anything I say I am available at least for a few
 15 days.

16 Now, they did mention, and another person
 17 mentioned it, that the approximate amount I think
 18 was 11 to 12 to 13, soon that will be 35,000. We're
 19 dealing with not the details that they gave us at
 20 the moment this choice of this or that, we're
 21 dealing with an invasion. Communism, the United
 22 Nations, the international bank, whatever you want
 23 to call it.

24 Over the years an old person gathers
 25 information and is able to correlate. The United

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1 Nations is not of just people. There is great deal
 2 of evidence that we deal without outer space. Divide
 3 and conquer. Place one against the other, has been a
 4 method. The atomic bomb. The computer that you ask
 5 have on your desk, right now that's a toy but it is
 6 not new. It can control the minds of an Army.

7 Now, where this Holloman Air Force Base is
 8 concerned and White Sands, it really is not the
 9 American people. I am not patriotic, therefore, I
 10 can observe these things more from a scientific
 11 attitude, and we do need to gather information.

12 This involves every person in the military and
 13 every citizen because he will not walk across those
 14 little marks. The solidier that is coming in, will
 15 control those marks. He will do as he is told. The
 16 citizen will do as he is told. He will not own land.
 17 He will be a human resource. Thank you.

18 JUDGE HEUPEL: Thank you. After Mr. White
 19 will be Bryan Kelly.

20 MR. WHITE: My name is Jim White. I live
 21 in Marfa and live on a ranch southwest of Marfa. Our
 22 family has been here since -- since 19 -- oh, boy
 23 that blew me, 1885. Over 100 years.

24 About 15 years ago the Air Force came to the
 25 ranch, a Colonel and a Major. They drove up in a

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1 pickup and said, "We want to talk to you about a
2 proposed high-level flights." We talked to them.
3 Sounded good. We wanted our men trained. We
4 supported them. Our family supported them. My
5 neighbor supported them.

6 They were up high, real high. You could see a
7 little streak across the sky, but occasionally
8 they'd -- they'd boom us pretty good. You know, we'd
9 rather hear that than a bomb from Russia and that
10 was a hazard then.

11 It's changed now. You're not good neighbors
12 anymore. You've mislead us. The front end of this
13 meeting and I heard nothing horrible what looked
14 like economic advantage to an area in New Mexico.
15 The impact, the economic impact, on an area in New
16 Mexico that was already impacted and we were told
17 "There was an impact, but, we'll clean it up."

18 About a year ago you were over here and we met
19 in Fort Davis, and we went over some of these same
20 things the same as we are going over today.

21 We've suffered loss. If you talk about the
22 economic loss, we might lose from a horse or a cow
23 or a group of horses or cattle. The burden of proof
24 would be on us, and how do you prove it when they do
25 it at night or they do it 20 miles or 30 miles from

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1 the headquarter ranch, how do you prove it? You're
2 not going to be able to prove it, and we certainly
3 wouldn't get any support from the Air Force to prove
4 it.

5 I asked about a question in Fort Davis almost a
6 year ago, have you studied the structures that are
7 on the ranches, the height of them above the
8 terrain? "No, Mr. White we haven't done that but we
9 intend to do it." I said, "Would you do it? That
10 some of these structures are up pretty good."

11 We have 18 structures on one ranch that stand
12 40 to 60 feet above the ground, and you're going to
13 fly 100 feet above them and that puts them down 40
14 feet from them.

15 In the last 12 or 14 years we've lost three
16 windmills. No wind. We don't see those mills maybe
17 once in ten days, two weeks. No wind. No storms.
18 The windmill is torn up. There is no way we can
19 prove it. We accept it and we have, and we paid the
20 bill.

21 There was man in Fort Davis and he was going to
22 is answer my questions, but about how they were
23 going about these windmills and powers that may be
24 above the surface of the wind and he said, "But
25 we're going to look at it. We're going to take that

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1 into consideration."

2 I assumed it would be in a -- some kind of
3 analysis. What would happen to a windmill if an
4 airplane passed within 40 feet of you? The water
5 sure would backlash or whatever it may be termed. It
6 would tear it up. You know that.

7 You also know that I don't believe you people
8 have much control over these pilots when they're
9 flying 350 and 400 miles at 100 feet above the
10 ground. You're not in radio contact, I mean, in
11 radio contact with them, are you? That's the purpose
12 of it, not to be in contact or the enemy to be in
13 contact with them, correct? No answer. That should
14 be addressed.

15 I was surprised to hear all this economic
16 incentive and how it's going to help out
17 Alamogordo. It sounded like a Chamber of Commerce
18 talk. That doesn't really bother me, but I came here
19 to see what they were going to do about our area.
20 They addressed it in a very brief four or five
21 seconds. There will be some noise in the Valentine,
22 Marfa, Fort Davis area. That's the Environmental
23 Impact that they recognize.

24 We've lost 12, 14 heads of mares one time.
25 They run over the fence in the middle of the night.

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1 Airplanes were flying that night. We didn't know
2 they were hurt. We didn't see them four or five
3 days. It never occurred to us that we better get
4 over there. We were working on the other end of the
5 ranch. After we found them, maybe the Air Force did
6 it. Maybe something else did it, but I think the Air
7 Force did it.

8 Your pilots, these youngsters, they're suppose
9 to be daredevils, and they are. They see an object,
10 they'll run at it, they'll challenge it.

11 If we take time to go back and count since
12 World War I, how many herd of cattle and sheep and
13 horses these little daredevils -- The guys have been
14 trained them well. Well, they'll zoom you. They'll
15 buzz you. They have, but I was sold tonight by the
16 same man that said we're going to find out about
17 these objects above your land and we're going to
18 identify them. We're going to try to move away from
19 them. This was a year ago.

20 I asked him tonight and he said "Well, yes, I
21 kind of remember that," but he said, "Nothing has
22 been done about it." He told me they'd write me out
23 a letter. There was no letter.

24 I think that you'd better cut us some
25 credibility if you're going to deal with West Texas.

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1 You're patient, and I appreciate it. Thank
2 you.

3 JUDGE HEUPEL: Thank you, sir. We'll make
4 sure there is something in the final report.

5 After Mr. Kelly will be Gloria Evans.

6 MR. KELLY: My name is Harold Kelley. I
7 live about 12 miles south of Alpine. I just have a
8 series of questions I need to ask you in order to
9 make a decision among a group that I represent. The
10 group I represent is a whole bunch of people like
11 myself who, if it weren't for electric power and
12 telephone and computers and so forth, we all would
13 be in Dallas or somewhere else.

14 What I'd like to know is on this Environmental
15 Impact Statement or this whatever it was that you
16 do, on these when you start to decide this, why
17 wasn't there a social economic impact section of the
18 one that we had here over the -- I think it's the
19 modification changes that you're going to make? It
20 was completely omitted from the -- well, the impact
21 statement that we had.

22 JUDGE HEUPEL: I'm not familiar with
23 what's available -- the other one you talked about.
24 Is the other one you're talking about the
25 environmental assessment?

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1 MR. KELLEY: Yes, the environmental
2 assessment.

3 JUDGE HEUPEL: To my belief, the
4 socioeconomic impacts are not done on environmental
5 assessments. The Air Force has been doing them even
6 though in the past they weren't required of doing
7 them on environmental statements, but correct me if
8 I'm wrong, I'm -- I don't -- I'm not aware of them
9 being done on environmental imp -- assessments.

10 MS. PARKER: (Inaudible.)

11 THE COURT REPORTER: I can't hear you.

12 JUDGE HEUPEL: She says she was not the
13 project manager for the EA, so she doesn't know.

14 Other than that general thought, the best that
15 we can do is to have it addressed in the -- try to
16 address your question in the final EIS.

17 MR. KELLEY: Well, the reason I ask is
18 obviously it's going be very negative to this area
19 and I thought you possibly left it out on purpose,
20 but I'm sure you didn't.

21 I have another question. Would you explain the
22 training of the jet aircraft pilot has in an event
23 of an engine failure flying 100 feet off the ground
24 at 550 miles an hour.

25 COLONEL HARGARTEN: The question was in

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1 the event of loss of an engine at low altitude, what
2 procedures does the fighter pilot have.

3 All fighters have a minimum air speed that they
4 maintain when they're at low altitude, and the
5 Tornado happens to be 400 knots. So the purpose for
6 that minimum air speed of 400 knots is just in case
7 there is you lose an engine, you have a margin of
8 safety where you can get safely away from the
9 ground, maintain aircraft control, analyze the
10 situation and take the proper corrective action to
11 try to solve the problem you've got. And that's why
12 they have the margin of safety.

13 Does that answer your question?

14 MR. KELLEY: Yes, sir. There's no way to
15 know where the aircraft is going when he ejects?

16 COLONEL HARGARTEN: Say again, sir.

17 MR. KELLEY: You don't know which way the
18 aircraft is going after the pilot ejects?

19 COLONEL HARGARTEN: We have procedures. If
20 we lose both engines, most fighter aircraft have a
21 procedure to do a -- there's both a controlled bail
22 out and an uncontrolled bail out, and all aircrews
23 would attempt, if they're able to maintain control
24 of the aircraft, to point toward an unpopulated
25 area.

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1 We also -- usually we're pulling a nose down --
2 get the nose up so we can eject before we have a
3 sink rate and, of course, we point towards that
4 unpopulated area if we can control the airplane.

5 MR. KELLEY: Thank you. Another question I
6 have, this low-level instrument and low-level area
7 here on combat training, taught at any other U. S.
8 Air Force facility anywhere in the country?

9 COLONEL HARGARTEN: Your question was
10 about low altitude intercept training or instrument
11 training were you asking?

12 MR. KELLEY: Basically, towards the area
13 of combat.

14 COLONEL HARGARTEN: The area combat
15 training is done throughout the country, both by
16 active duty and guard units and by Air Force, Navy,
17 Marines. It is done throughout the United States.

18 MR. KELLEY: This this is at a 300 foot
19 level?

20 COLONEL HARGARTEN: Well, we're talking
21 about -- we're talking about apples an oranges
22 here. I thought you were talking about air-to-air
23 training. That is done throughout the country.

24 The sole is in low-level flying military
25 routes. There are routes throughout the United

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1 States. Basically, I suspect in every state. Would
2 you agree, Mr. King?

3 MR. KING: Just about.

4 COLONEL HARGARTEN: Just about. It's just
5 a guess there.

6 MR. KING: There are a number of routes
7 that are clear down to a low as 100 feet throughout
8 the United States. I don't know if there are at
9 every state or not, but there are a number of those
10 routes.

11 MR. KELLEY: The -- the instrument
12 training is at 100 feet; is that right?

13 COLONEL HARGARTEN: Oh, I know what he's
14 referring to. I think what you're referring to is
15 the title of these low-level routes or MTRs. There
16 are VR routes and there are IR routes.

17 The IR routes can be found in instrument
18 meteorological conditions. In other words, they can
19 be found in the weather and they are de-conflicted
20 from other IFR traffic or instrument flight rules
21 traffic.

22 So I didn't understand, but that's what you
23 were referring to by the IR rules, so there is a
24 difference between the two.

25 MR. KELLEY: Right. Thank you.

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1 The reason I ask these questions, I have a lot
2 of people that are interested in this from a legal
3 standpoint. Is there another place you can go to do
4 this training other than around Alpine and this
5 area?

6 I like to know also, legally, these are --
7 mostly have to do with legal questions, would you
8 give the Air Force's definition of proportionately
9 populated?

10 JUDGE HEUPEL: That's something that will
11 have to be addressed in the final EIS.

12 MR. KELLEY: I'll write that one to you
13 then. Thank you very much.

14 MR. HEUPEL: Thank you, sir. After Gloria
15 Evans will be Beau White.

16 MS. EVANS: My name is Gloria Evans. My
17 husband and I live in Midland. We reside in Midland,
18 but we have ranching interests in Jeff Davis County
19 and family living there year round.

20 I strongly object to the low altitude flying.
21 Not only for the reasons already discussed, the
22 wildlife and the livestock, but also for other low
23 flying aircraft.

24 My husband and two of our sons are just three
25 of many private pilots who fly over the West Texas

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1 area, and I don't mean for recreation purposes.
2 We have business interests in Alpine, Presidio,
3 El Paso and flights to the ranch and back and there
4 is no way that a private -- a small plane could
5 maneuver to out maneuver these jet planes if they
6 were both in the low altitudes.

7 These small private planes are ideal to fly
8 over ranches. To check for missing livestock and
9 multipurpose and there are numerous ranches and
10 farmers who are private pilots.

11 Please, try to do your low-altitude training
12 over White Sands. Thank you.

13 JUDGE HEUPEL: Thank you. After Mr. White
14 would be Pam Spooner.

15 MR. WHITE: Goods evening I'm Beau White
16 and I ranch the Valentine area. I'm Director of the
17 Texas Southwestern Cattle Raisers Association, and I
18 guess I'm some of my questions are going to be
19 pretty easy for Colonel Hargarten.

20 The reason I'd like to direct my questions to
21 you regarding the Valentine MOA -- How may flights a
22 day might we expect?

23 COLONEL HARGARTEN: Under this proposal
24 there is no Valentine sorties flown by the Germans
25 or any aircraft in Holloman in the Valentine area.

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1 MR. WHITE: None?
2 COLONEL HARGARTEN: That's correct. None.
3 MR. WHITE: Why are we here today?
4 COLONEL HARGARTEN: Well, if the EIS
5 directive decision is in favor of the Germans
6 coming, there would be no sorties flown out of
7 Holloman down to the Valentine area. That's correct.
8 You heard me right.

9 MR. WHITE: Well then, why do we have
10 these flight paths at 100 foot low-level flight
11 training passing this area if they're not going to
12 be flying here? I'm confused.

13 COLONEL HARGARTEN: Just a second I'll get
14 the map. You asked me about the Valentine --

15 MR. WHITE: I asked about the whole route
16 area, not just the Valentine area.

17 COLONEL HARGARTEN: Well, okay. You asked
18 me about the Valentine area. Okay. So, I'll answer
19 about the sorties.

20 MR. WHITE: Well, sir, let me rephrase my
21 question then, sir. Under the proposed short track
22 of the refueling and the red area there, how many
23 flights might we expect a day in the southwest Texas
24 area?

COLONEL HARGARTEN: Okay. A very busy

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sorties a day on IR-102/141 which goes around the community of Alpine.

MR. WHITE: And then currently you also said that over 40 percent of the low-level flight area there would be raised over 100 feet. How high high over the 100 feet?

COLONEL HARGARTEN: That's correct. There is some -- It varies in all different sections. There are some sections that there is 1,000 feet. There's 500 feet. There's 250 feet. There's agreements with nighttime versus daytime. All --

In other words, we didn't go over tonight, but there's actually a number of places in that proposal that if we have time later, we can go over where you can see we moved the route based on public comment last summer. There was a whole section of the route that was moved entirely. The whole proposal changed based on public comment both in altitude and in location of the route.

MR. WHITE: In what speed might these plans be flying in an average speed?

COLONEL HARGARTEN: I would say the average speed would be between 420 and 480 knots.

UNIDENTIFIED MALE SPEAKER: What is it in miles per hour?

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slide, but if you notice where it says IR-102/141. What this slide shows is this is the short route which we've talked about, and the long route. These are the number of day sorties, the number of night sorties under the environmental assessment of the findings with no significant impacts was recently signed last month.

MR. WHITE: And that's over a period of one year?

COLONEL HARGARTEN: Yes, sir.

Now if you look over here. If a new bombing -- if a new range is built, you can see a number of sorties that would have been flown and would be approved right now.

Now, there's final coordination that has to be done with the Fish and Wildlife and the FAA as was eluded to in the briefing, and the number of sorties are shown right here.

What that works out to is right now under the EA, we're talking about, there's about 250 fly days a year. We're talking about two and half sorties a day under the environmental assessment.

If the record of the decision is favorable, the proposal of the Air Force is making on the EIS, we're talking about going up to four and a half

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1 COLONEL HARGARTEN: That was in knots.

2 UNIDENTIFIED MALE SPEAKER: What's in it
3 in miles per hour?

4 COLONEL HARGARTEN: In miles per hour, I
5 don't know the conversion.

6 MR. WHITE: Would it be fair to say 500
7 miles an hour?

8 COLONEL HARGARTEN: Yes, that would be
9 good.

10 MR. WHITE: In talking to you, Ms. Parker,
11 probably. You can probably answer this question.
12 How loud in decibels -- You know, you're talking
13 about an average sound noise over a 24-hour period,
14 you know, if you had one hand in a pot of boiling
15 water and another one in ice water, the average
16 temperature is okay. Averages don't mean anything
17 sweetheart. They're wrong.

18 MS. PARKER: If anybody has a copy of the
19 Draft EIS, they give the single event levels based
20 on various altitudes for various types of aircraft.
21 So if you were to have had a F-117 fly over
22 depending on which altitude it is, it will give you
23 the maximum a weighted sound level or your single
24 event level.

25 Depending on what type of aircraft it is, there

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1 are various noise levels. So if you want the single
2 event levels at 500 feet of a Tornado, it's 102
3 decibels. That's a single event level. That's the
4 noise that you're going to hear at that particular
5 time if flying overhead if you are directly
6 underneath that Tornado aircraft.

7 MR. WHITE: Colonel, could you tell us --
8 compare the decibels of the Tornado as compared to a
9 747 at the same flight level?

10 COLONEL HARGARTEN: No, I wouldn't be able
11 to do that. In fact, that analysis is not in the
12 document.

13 A side note. I heard an earlier question about
14 what do these DBs mean? There is a chart in here
15 that we can look through that puts it in laymen's
16 terms.

17 In other words, what is that noise level out
18 there when you heard the train going by? How many
19 DBs is that? How many DB is that, etc.?

20 There is a chart in here that is very detailed
21 and I find very useful because I also agree the DB
22 levels don't mean that much. If you can't compare
23 it --

24 MR. WHITE: Averages sure don't.

25 COLONEL HARGARTEN: But there is a chart

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1 in there that answers your questions as far as --
2 That's what I use.

3 MR. WHITE: Colonel, might it be possible
4 to get a flight order in this area so the public
5 might experience and have public officials in the
6 private sector say at the Marfa airport to have an
7 aircraft fly over at 500 feet and 1,000 feet and 500
8 miles an hour?

9 COLONEL HARGARTEN: Well, I'll answer that
10 question. We have written a letter to a private
11 citizen offering to do that, possibly as early as
12 two weeks from now on McGregor Range as part of a
13 normal mission, of course, we cannot violate our own
14 regulations and fly over you at 500 feet.

15 We can fly over you offset by 1,000 feet down
16 to 100 feet off the ground, but if the vehicles are
17 parked there, we have planned to do that here in the
18 near future for some ranchers that live to the east
19 of McGregor Range. We're trying to arrange that.

20 I think that would be possible to get the word
21 out down here. If some citizens would like to come.

22 MR. WHITE: We would be welcome to travel
23 at the Air Force's expense to McGregor Range?

24 JUDGE HEUPEL: After Ms. Spooner will be
25 Dick Hughes.

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1 MS. SPOONER: Good evening my name is Pam
2 Spooner. I live in Alpine and first I'd like to do
3 a little business with you.

4 On a professional level I'm a reference
5 librarian at Sul Ross State University. I see by
6 your list of libraries in some towns where there is
7 a university, you've provided the university library
8 with an Environmental Impact Statement. You did not
9 do that at Sul Ross.

10 You are probably not aware of the financial
11 restrictions that are afforded the public library.
12 They don't even own it at lunch time.

13 Who amongst us have been to the library to see
14 the environmental statement? Do you see? There is a
15 lack of information provision here.

16 I believe, someone at the very beginning talked
17 about, it would have been nice to see documents
18 before we came this evening. So I'm asking you to
19 please provide me with an Environmental Impact
20 Statement that could be put at the library at Sul
21 Ross. We're open way more than twice the hours of
22 the public library here and that would be accessible
23 to the public. Okay? Now my fun starts.

JUDGE HEUPEL: No, it already started.

MS. SPOONER: I'd like to know if it has

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1 been reported that this is a done deal? Is this a
2 done deal?

3 JUDGE HEUPEL: You already got an answer
4 from Mr. Johnson on that earlier. If you recall
5 when --

6 MS. SPOONER: I didn't hear it.

7 JUDGE HEUPEL: -- when he started at the
8 beginning he said, "This is not a done deal, and
9 that's why we're here tonight."

10 MS. SPOONER: So there is, I would like
11 for you to go on the record, there is a possibility
12 that all of this we've heard tonight will not take
13 place?

14 JUDGE HEUPEL: There has to be a
15 possibility. It would be a violation of law if this
16 were a done deal.

17 MS. SPOONER: You heard it. You heard it.
18 Okay. Then I'd like to know --

19 JUDGE HEUPEL: It may still happen.

20 MS. SPOONER: I know, but I know how you
21 folks are. You were told to be here tonight and I
22 understand this is your job, and so I'd like to
23 know, where does the buck stop? Who will sign off on
24 that last document that makes this a program that
25 goes forth? Who's the signature?

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1 MS. PARKER: At this point because of the
2 proposed action does involve international aspects,
3 we're looking at the Secretary of Air Force level.

4 The case may occur where she designates
5 responsibility down to a lower level, but right now
6 we're looking at Secretary of the Air Force.

7 I will also tell you that there have been other
8 proposed actions that the Air Force has been
9 involved in that the decision has been left and on
10 the desk of the Vice-President, so depending on a
11 particular action, the decision is made at various
12 levels. Right now we're looking at the Secretary of
13 the Air Force.

14 MS. SPOONER: And, although I am a
15 reference librarian and I can look it up, who would
16 that person be?

17 MS. PARKER: Secretary Windnall.

18 JUDGE HEUPEL: Sheila A. Windnall.

19 MS. SPOONER: Who?

20 MS. PARKER: Sheila Windnall.

21 MS. SPOONER: W-I-N-D --

22 MS PARKER: N-A-L-L.

23 MS. SPOONER: Okay. Thank you very much.

24 One thing we talked about earlier was the
25 cultural resource. Okay. That there would be no,

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1 pretty much, no impact to the cultural resource.
 2 And others who have spoken before me have spoken
 3 very eloquently, but I think perhaps we should
 4 repeat that maybe the largest attraction of this
 5 area, the biggest cultural resource is peace.
 6 Peace. And we value our peace.

7 I know that you are in the military and that
 8 peace is not what you're about. You're about war and
 9 we appreciate your job that you do, but we're about
 10 peace out here and we would like to preserve our
 11 peace, and I'm sure we'll be writing lots of
 12 letters. Thank you for your time.

13 JUDGE HEUPEL: Thank you. After Mr. Hughes
 14 will be Bill Addington.

15 MR. HUGHES: Thank you. My name is Dick
 16 Hughes and I represent the Hughes Cattle Company
 17 with ranches in Jeff Davis, Presidio and Culberson
 18 counties here in Texas.

19 Your proposed sortles and refueling area covers
 20 our ranches which are on private land. I feel
 21 strongly that this proposal will create serious
 22 threats to human, animal and natural resources.

23 I strongly suggest you reconsider using this
 24 location and train over government owned land and
 25 not privately owned land. Thank you.

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JUDGE HEUPEL: Thank you, sir. After
 Mr. Addington will be Imogene Chamberlain.

2

MR. ADDINGTON: Hello. My name is Bill
 Addington. I'm from Sierra Blanca, Texas. We have
 the Guerra Ranch and a farm there below Sierra
 Blanca, south 16 miles on the river right where
 y'all will be flying over.

3

4

I came today because I don't know if I'll be
 able to go to Dell City tomorrow. I understand
 you'll be in Dell City tomorrow, so I did have
 one -- wanted to come by today from Sierra Blanca to
 speak about what is already going on.

5

At the public meetings you have had last year
 and this year, I've talked to the Colonel and
 complained before of the existing Air Force fly
 overs. I assume they're Air Force. They're fighter
 aircraft directly over my home and my business in
 Sierra Blanca.

6

Since I've complained to the Colonel and -- at
 these public meetings about the existing low-level
 fly overs over our business and home in 1996, it's
 increased nearly double to, I would say, there below
 500 feet, way below.

7

Sometimes groups of two or more fighter
 aircraft that looked like F-111s, I was told -- I

8

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1 took some pictures so that I could identify them
2 more properly. I'm not a -- I just know they're
3 fighter aircraft and I am keeping a log of the dates
4 and times and noise levels that -- and positions.
5 Sometimes they're flying sideways over our store so
6 low you can smell the jet fuel or the kerosene
7 burning.

8 When that happens, I can tell you that -- for
9 those of you who have that experience, I know a lot
10 of ranchers that have lived here for a long time
11 have experienced low-level fly overs, but this is
12 something of a year or two for me to experience one,
13 and I can tell you that any animal around will just
14 definitely leave for a couple of hours. You can see
15 it. They'll just take off, and I think that's very
16 disruptive of our way -- of our raising our animals
17 or livestock, cattle. I've seen cattle on our farm
18 leave, stampede and leave kind of.

19 I don't know if there are any damages yet that
20 I know of, but I'm sure there could be if there's
21 any fence around where they run into it.

22 In the Eagle Mountains -- I haven't read your
23 environmental analysis yet. I would very much like
24 to. I understand it's at the library in Van Horn,
25 30 miles of where I live. The environmental

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1 assessment, I don't know if it addresses this. I
2 try to understand why. You're flying over the Eagle
3 Mountains which I have seen personally jets being --
4 crashed jets being pulled out, which I've said that
5 to at public meetings before, and, of course, I saw
6 a flash of light when the B-1 crashed into
7 Valentine. I could see that from Sierra Blanca late
8 at night, so it's quite scary to me when to -- when
9 I see these existing Air Force jets flying over my
10 home and knowing there have been crashes in the
11 Eagle Mountains and I've seen parts being pulled out
12 of the Eagle Mountains and, of course, the B-1, so I
13 know the odds are maybe great, but when you live in
14 a house that these jets fly over, it makes you
15 wonder if one of these jets could fly.

16 I think I've seen about every type of jet over
17 my home that you guys have except maybe the Stealth
18 Bomber and perhaps I'll be seeing that soon.

19 I think this mountain range is a very sensitive
20 area. There is a threat and danger to plants and our
21 animals in the Eagle Mountains. I mean, whenever we
22 want to do something on our property and they bring
23 up endangered species, but when the Air Force does
24 something on our property or above our space, which
25 is our private property and believe me, I can't help

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1 to agree with a lot of our fellow ranchers but I
2 believe that's attacking when you're flying that low
3 over a property. When you're impeding our ability to
4 make a living with our life-style, and I'm --

5 This is more -- I'm supposedly told by the
6 Colonel, you're suppose to be well over Sierra
7 Blanca of it being a populated area. I don't know
8 if you all consider that a populated area. There's
9 650 people there.

10 Just the last time I think it was June -- July
11 1st, two jets came over my house since I last
12 complained, July 1st, and I just -- two -- two jets
13 in rapid succession, and I just -- I really feel
14 that there's an assault on our property values, our
15 property rights.

16 People move to West Texas because it's clean
17 and quiet. It's been said before the jets that
18 you're forcing on our area along -- Yes, I live in
19 Sierra Blanca with the State and the Department
20 Energies Department involvement with the nuclear and
21 hazardous waste. I mean, I heard the arguments about
22 why you need to fly over. I can relate to it. It's
23 because of -- to protect freedom.

24 Well, I feel I'm very patriotic myself along
25 with some people here but I think that excuse kind

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1 is wearing thin when you're importing these types of
2 things into our homes and it's impacting our ability
3 to make a living.

4 You know, this argument to protect democracy, I
5 in close, I believe in my country as much as anyone
6 else, but there is no democracy when these things
7 are forced on us. Nuclear dumps, sludge dumps, Air
8 Force fly overs. Now you're saying 30 more. Where
9 is it going to end?

10 I just want to go on record of being disgusted
11 of the existing track record of the last year and a
12 half, two years of Air Force fly overs, and you're
13 not even suppose to be doing it. What's to stop to
14 future German Air Force, Gestapo, whoever from doing
15 the same thing and worse? I mean it's already
16 happening and you're not suppose to be doing it
17 now.

18 I respect your position, but you got to
19 understand how living here at ground zero how we
20 feel and it's quite disturbing and it's quite
21 frustrating trying to hold down my temper. It's
22 pretty hard.

23 JUDGE HEUPEL: Thank you. Imogene
24 Chamberlain.

25 MS. CHAMBERLAIN: Well, I guess the bottom

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1 line is I'm very disturbed from what I've heard
2 tonight.

3 I'm just new in this area. I'm a flight
4 instructor. I've flown for over 37 years now, and
5 I've been instructing for about 35 -- I've been
6 instructing for about 35 years. I've been a pilot
7 for 37 years.

8 All lack of concern for the civilians is really
9 getting me upset. I am new in this area, so I
10 haven't faced some of the problems that some of the
11 other people have, but I can sort of see how this
12 maybe very disturbing.

13 I plan to do some flight instructing here, and
14 I see a problem right now. I don't allow my students
15 to get underneath a ceiling -- the 100 foot ceiling
16 or -- In other words, your flight level will be 100
17 feet above the ground. I don't know how I'm going
18 to get my students under that to avoid you people.

19 I don't know how I'm going to get them over
20 that to get to Fort Stockton, to go on their little
21 cross-countries or for me, I go to the west coast.
22 I go to Canada. How am I going to get out of here
23 some days particularly if it's high, far and radar
24 does not carry down in this area very well because
25 of the mountains?

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1 I find it -- well, anyhow. I find it a very
2 disturbing thing and one thing that came up the
3 3rd of July, which is about four days ago, I was out
4 in Sunny Glen two C-130s came gracefully over
5 mountains from the west and down over the houses
6 about 200 feet headed toward Alpine and broke off to
7 the north and just having a good old time.

8 Now, if I as a civilian had flown over that
9 residential area, I would have somebody reading my
10 numbers and I'd be in trouble for just -- because I
11 should be at least 500 feet over populated areas. I
12 don't see why the military has to be free of these
13 obligations that we are limited by.

14 I called Holloman Air Force Base to talk to a
15 Mr. Bob Pepper and told him about the C-130s. He
16 said, "Oh, those weren't from Holloman." I said,
17 "Oh, well, they were Air Force." He said, "Yes, but
18 they weren't ours."

19 Well, I don't know by looking at them who in
20 the heck planes those are. They're Air Force. I
21 don't think they're Navy planes out in this country.

22 And he said, "Well, I'll find out who it was."
23 So far I haven't heard and really I guess it doesn't
24 make that much difference.

25 But the thing is that our airspace is being

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1 invaded and our -- if I wanted to go flying out
2 here, I may be run down and I really worry about
3 that because even though I move 200 miles an hour,
4 I'm no match for a 600 miles an hour.

5 So these are really my concerns. I think this
6 whole evening, this afternoon and evening, the whole
7 experience for everybody here is to allow us to let
8 off steam and I'm afraid, I hope this isn't true,
9 but I'm afraid that's exactly what's happening. I
10 think we are not being considered. Our complaints
11 and our worries and fears are not going to be
12 considered.

13 So I would like to have some feeling, as our
14 librarian here says, is this a done deal or ain't
15 it? I'm really worried about that. I hope you all
16 people sleep well tonight. I know you're doing
17 exactly what you're suppose to do, but -- but I hope
18 your conscience don't bother you too much.

19 MR. KING: After you spoke with Mr. Pepper
20 he called me. We immediately started a search to try
21 to find out where the airplanes were from. We
22 believed they were from Dyess Air Force Base,
23 however they were on a long mission and were not due
24 on the ground until 1730 our local. Their airspace
25 manager promised to get back to my office as soon as

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1 he could. With Friday being a holiday, there was
2 nobody at Dyess, but hopefully we'll have something
3 tomorrow morning --

4 MS. CHAMBERLAIN: Yeah.

5 MR. KING: -- to know for sure. We do
6 believe the airplanes were from Dyess.

7 MS. CHAMBERLAIN: Yeah. It is -- This is a
8 residential area. There's probably about four
9 houses to a mile out there and when you come over
10 those mountains, even though you're on your feet,
11 you sure as heck can't see all the houses in there.
12 You shouldn't be able to swoop down and go coasting
13 along.

14 MR. KING: I have flown in the area and I
15 know exactly what you mean.

16 MS. CHAMBERLAIN: Yeah. So have I.

17 MR. KING: Yes, ma'am.

18 MS. CHAMBERLAIN: I've also flown to
19 Germany and I think the Germans ought the fly in
20 Germany.

21 MR. KING: We'll get back to you as soon
22 as we know for sure what the confirmation is.

23 MS. CHAMBERLAIN: Thank you.

24 JUDGE HEUPEL: Now, that's all the cards
25 I've got. Let me ask: Did anybody turn in a card

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1 saying you wanted to speak, but I didn't call your
2 name? Okay. I don't get an answer there.

3 Is there anybody that has not spoken that even
4 though they didn't do a card would like to speak at
5 this time? I'll give people a shot. Is there
6 anybody else?

7 And while I'm thinking about it, let me ask the
8 folks in the back whether there is a Draft
9 Environmental Impact Statement that we can get for
10 the Sul Ross Library? They're working on that.

11 Okay. Good. So that at least we can try to remedy
12 that.

13 Okay. I don't have anybody that hasn't spoken
14 before that wants to speak, so what I want to do --
15 I want to thank everybody for your comments. You
16 know, I know not much more about this project than
17 you do. To say I haven't been involved with this.
18 The only thing I can tell you is what Mr. Johnson
19 told you is that there are no done deals because
20 this -- we're doing this -- there's a requirement
21 for us to do it and there's options to it, as to
22 what option would be employed.

23 So it's a little hard to have a done deal when
24 you got options to it as well. The Air Force is
25 going to look at it. They're going to have to

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1 listen to your comments.

2 The only thing that I'll tell you is I'll do
3 what I can do within my limited resources, and I'm
4 getting ready to retire but I can still do that and
5 you've got somebody here from air combat command on
6 the issue on folks not getting back to you when you
7 call.

8 Now, sometimes as was just explained to you
9 there's reasons why they don't, but if you call and
10 don't get a response, you ought -- you ought to be
11 to get a response. You got a right to get a
12 response.

13 It is difficult with -- I know we wear the blue
14 uniforms, so you don't know which plane goes from
15 which base and so the bases have to work it out
16 themselves, but I'll do what I can do to also
17 up-channel some of that information to say people
18 need to do some coordination out here because there
19 are a lot of bases.

20 I used to be at Laughlin years ago and has
21 planes flying out this area and they need to do some
22 coordination to where they can try to -- people can
23 be responsive to the concerns you got when the
24 planes are flying too low, you can get that
25 information out.

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1 The public affairs number -- I think they may
2 have been commented on earlier, but up in Holloman
3 could I get somebody to give that as a start or a
4 good place for a phone call?

5 MR. KING: Commercial number during normal
6 business hours is 505-475-5406. We also have a
7 24-hour day number, which is our Holloman command
8 post. You can do the same thing by calling them.
9 We refer you call public affairs first during normal
10 duty hours and they'll take care of it. If you do
11 call -- need to call after post hours, it's
12 505-475-7575 and I personally don't care where the
13 airplane is from, and Bob Pepper really doesn't
14 either, it's just when he knows it's 1:30 it's not
15 from Holloman, he knows that means you're just going
16 to look other where for the airplane. He's not
17 trying to dismiss your complaints at all, and we
18 work these very hard. We attempt to get back with
19 answers when we can. We get to an answer even if we
20 can't tell you exactly what it was because there are
21 some airplane complaints that we've had,
22 particularly at night where people do not know the
23 type of aircraft. Sometimes we believe they may be
24 governmental aircraft, they may be working with the
25 Drug Enforcement Agency and sometimes those people

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1 will not tell us what they're doing.

2 So, we can't always answer every complain but
3 we certainly will get back to you. Holloman will get
4 back with you, and we're trying to work with some of
5 the other bases to make sure they do the same.

6 UNIDENTIFIED MALE SPEAKER: Would you
7 repeat the numbers one more time.

8 MR. KING: 505-475-5406.

9 THE COURT REPORTER: Can you say it a
10 little slower.

11 MR. KING: Okay. 505-475-5406 or
12 505-475-7575.

13 UNIDENTIFIED MALE SPEAKER: What was the
14 last four?

15 MR. KING: 5406.

16 JUDGE HEUPEL: So, hopefully that is one
17 avenue where you've got some people that will try to
18 work for your end to get back to you and work with
19 some of the other bases on that.

20 Your comments are important, they have been
21 taken down. They will be printed verbatim in the
22 final record and the -- I guess, we'll have a copy
23 of the Draft EIS at Sul Ross and I think a number of
24 you, I know, have asked to get a copy of the final
25 EIS and I'll ask that Sul Ross be listed as a

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1 repository for a copy of the Final EIS as well so
2 you can get that.

3 I just want to thank everybody for coming out
4 and giving your input. It's a quarter of ten. I
5 know it's been a long evening. I appreciate the
6 court reporter she's done a great service. Thank
7 you very much.

8
9 (Whereupon, the public hearing
10 was adjourned.)
11
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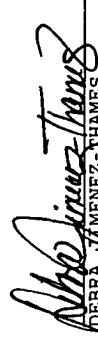
1 STATE OF TEXAS)
2 COUNTY OF BREWSTER)

3
4 I, Debra Jimenez-Thames, Official Court
5 Reporter in and for the State of Texas, do hereby
6 certify that the above and foregoing contains a true
7 and correct transcription of all portions of
8 evidence and other proceedings requested in writing
9 by Holloman Air Force Base to be included in the
10 statement of facts, and all of which occurred in a
11 public hearing and were reported by me.
12

13 I further certify that this transcription of
14 the record of the proceedings, truly and correctly
15 reflects, to the best of my ability, what was
16 presented.
17

18 WITNESS, my hand on this the 21st day of July,
19 1997.
20

21 COPY

22 
23 DEBRA JIMENEZ-THAMES
24 Certification Number: 4876
25 Expiration Date: 12-31-98

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Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico

SIGN IN SHEET

PUBLIC HEARINGS

DATE 7/7/97

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Bobba Jones	Box 148 Alpine TX	79831
Nancy Ann Snodgrass	Box 148 Alpine TX	79831
Angela Beckley	Box 148 Alpine TX	79831
Louis Snodgrass	Box 148 Alpine TX	79831
Patricia Snodgrass	Box 148 Alpine TX	79831
Norma J. Kiser	909 E. Ave A Alpine TX	79830
Susan Curry	901 W. Sul Ross Alpine TX	79830
Beth Tankersley	P.O. Box 628 Alpine TX	79831
Paul Spender	800 N. 11th Alpine	79831

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Sierra Blanca, Texas 79851

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PLEASE PRINT NAME Ray Healy

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(if applicable) KYLE

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PLEASE PRINT NAME Susan Curry

MAILING ADDRESS 901 W Sul Ross

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Alpine TX 79830

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) Citizen of Brewster County

☒ CHECK IF YOU WANT TO SPEAK Possibly

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PLEASE PRINT NAME Gloria Evans

MAILING ADDRESS 3100 Mackinbird

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PLEASE PRINT NAME H. JOHN DATE 7/7/79

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PLEASE PRINT NAME DICK HUGHES DATE 7/7/79

MAILING ADDRESS P.O. Box 2118 STREET, P.O. BOX, OR ROUTE & BOX FT DAVIS, TX. 79737

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NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT (if applicable) HUGHES CATTLE CO

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PLEASE PRINT NAME Bobby Jones DATE 7/7/79

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CITY, STATE, ZIP CODE _____

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT (if applicable) Dell Telephone Co-Operation

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PLEASE PRINT NAME Bob Jones DATE 1/1

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CITY, STATE, ZIP CODE _____

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PLEASE PRINT NAME ES Locklear DATE 11
MAILING ADDRESS Box 1122 Edwisk
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(if applicable)

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PLEASE PRINT NAME Lloyd Maness DATE 7/1/87
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CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) New Mexico Wine Growers, Inc.

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PLEASE PRINT NAME Duke McMiller

MAILING ADDRESS P.O. Box 682 Abilene, TX 79831

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CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) City of Abilene

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PLEASE PRINT NAME Karen J. Remyne

MAILING ADDRESS P.O. Box 1315

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NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) San Marcos, TX 78667

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PLEASE PRINT NAME LOIS McColloch

MAILING ADDRESS 505 S LAKEY

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PLEASE PRINT NAME Harold Pettillo

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NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) Rep. Pettillo

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PLEASE PRINT NAME RICHARD SIMPSON

MAILING ADDRESS PO BOX 772

ALPINE, TX 79831

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PLEASE PRINT NAME PAM TARELLE

MAILING ADDRESS PO BOX 1205

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PLEASE PRINT NAME DR. TONY STERZA

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(if applicable) SELF & BUSKARD GROUP

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PLEASE PRINT NAME JIM WHITE

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CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) Big Bend Sentinel

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PLEASE PRINT NAME Becky

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Valentine TX 79834
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PLEASE PRINT NAME MAC White DATE 07/10/97

MAILING ADDRESS Box 178

MARFA TX 79843 STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

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(if applicable)

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PLEASE PRINT NAME Kathleen White DATE 7/7/97

MAILING ADDRESS Box 8

Del Norte TX 78834 STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PLEASE PRINT NAME Louis Gooden Jr DATE 4/17/97

MAILING ADDRESS PO Box 866

Firville TX 79720 STREET, P.O. BOX, OR ROUTE & BOX

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NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) Waco Area

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**Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico**

WRITTEN COMMENT SHEET

Thank you for your input.
PLEASE PRINT

DATE: 11/17/97

June 17, 1997 at approximately 1:52 p.m. I was driving towards Del Rio from Alpine. I was probably about 1/2 way between Marathon and Del Rio. A plane came flying down about 75 feet above the road; I'm not sure. I had to swerve because I feared it would land on me. It was an extremely tiny white plane. It was flying back and forth over the road. I had never seen any such plane. I have since learned that it is an air force plane. Out at the base near Del Rio, I was hoping you could let them know about the incident. At the last meeting, we were told that it was possible. Thank you.

Also, the faint-hearted never heard these Donald Dwyer low-level flights while driving. ~~It is~~ I am perfectly healthy in my heart skipped a couple of beats.

I would also like a copy of the Draft EIS

**** CONTINUE ON BACK FOR MORE SPACE ****

NAME: Caneel Traylor
ADDRESS: P.O. Box 5185
CITY: Alpine
STATE/ZIP CODE: TX, 79832

Please check if you would like to receive a copy of the Final Environmental Impact Statement. ☒
Please Hand This Form In or Mail To:

AIR COMBAT COMMAND ENVIRONMENTAL ANALYSIS BRANCH
HQ ACCCEVA
ATTN: MS. SHERYL PARKER
LANGLEY AIR FORCE BASE, VA 23665-2769

**Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico**

WRITTEN COMMENT SHEET

Thank you for your input.
PLEASE PRINT

DATE: _____

77 given to Alpine
bryan keller
Hq 25 Box 3100
Alpine 79830

Send copy of DERS

Darren - ~~the~~ Signal EA

79830

DERS (C)

Alpine

7-7-97

Alpine 79830 UN BACK FOR MORE SPACE ****

NAME: _____
ADDRESS: _____
CITY: _____
STATE/ZIP CODE: _____

Please check if you would like to receive a copy of the Final Environmental Impact Statement. ☐
Please Hand This Form In or Mail To:

AIR COMBAT COMMAND ENVIRONMENTAL ANALYSIS BRANCH
HQ ACCCEVA
ATTN: MS. SHERYL PARKER
LANGLEY AIR FORCE BASE, VA 23665-2769

SECTION 2.0

**DELL CITY, TEXAS
PUBLIC HEARING TRANSCRIPT**

JULY 8, 1997

1 ENVIRONMENTAL IMPACT STATEMENT

2 HOLLOWAN AIR FORCE BASE

3
4 Dell City, Texas

5 July 8, 1997

6 6:00 p.m.

7 PROCEEDINGS

8 JUDGE HUELPEL: Good evening, ladies and

9 gentlemen. I want to thank you for coming out

10 tonight. This is the public hearing on the draft

11 environmental impact statement, or draft EIS, as

12 you'll hear us refer to it, for the proposed

13 expansion of German Air Force operations at

14 Holloman Air Force Base, New Mexico. I'm Colonel

15 Jim Heupel, and I'll be the presiding officer for

16 tonight's meeting.

17 Before any decision to expand the German

18 Air Force operation at Holloman can be made, the Air

19 Force must do a complete analysis of the

20 environmental issues involved with this action. The

21 National Environmental Policy Act's implementing

22 regulations require the Air Force to document this

23 analysis in an environmental impact statement before

24 the Secretary of the Air Force makes any decisions.

25 Now, part of the process involves

receiving public comment on the draft EIS, which was

21 written over the past year following scoping

22 meetings last summer. At the scoping meetings the

23 Air Force asked for public input on the scope, or

24 range of issues, that should be studied in the EIS.

25 This part of the process enabled the Air Force to

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1 learn about any issues involving the expansion of
2 the German Air Force at Holloman that were not
3 previously identified. The relevant comments
4 gathered during scoping are included in the
5 environmental analysis. This analysis is contained
6 in the draft environmental impact statement, the
7 contents of which are the subject of the hearing
8 tonight.

9 Now, the draft EIS has been distributed
10 for public review and comment, and I'll hold up for
11 you, this is a copy of the draft EIS. If you
12 haven't seen it, it's a rather voluminous document.
13 I think somebody checked earlier, and at least one
14 person has checked it out at the library and has
15 looked at it, and we're happy to hear that. If
16 you've not had an opportunity -- or let me go on to
17 say that the draft EIS has been distributed for
18 public review and comment, and based upon input
19 received during the 45-day comment period additional
20 analysis will be evaluated and/or performed, and
21 changes will be made to the EIS as necessary. If
22 you've not had an opportunity to read the draft EIS
23 before the meeting tonight, you're encouraged to do
24 so as soon as possible.

25 Now, there is a fact sheet; actually, it's

3

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1 seven sheets, 14 pages. I'm holding this up. These
2 blue pages are labeled Continuing the Partnership,
3 and these will become a part of the final EIS,
4 because they're available to you tonight. You may
5 read the summary of potential environmental impact
6 that are in this handout; they're at the information
7 tables. The findings will also be addressed in
8 presentations that will follow.

9 While I'm at it, let me also indicate for
10 the record that there are some display boards in the
11 back. You may have also noticed that there's some
12 legal-sized sheets of paper that are colored. These
13 are duplicates of these display boards, the five
14 display boards. These will also become an exhibit
15 in the final EIS, because they are here for your
16 viewing tonight, and everything -- I want to have
17 all the written documents that you have available to
18 you to be on the record as part of the final
19 consideration.

20 Now, there are two goals tonight: One is
21 to provide information to you about the analyses of
22 potential impacts to the environment resulting from
23 the Air Force proposal, and to receive your comments
24 on the analysis. These will help the Air Force
25 address all concerns about the proposed action,

4

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1 because comments received during the comment
2 period -- it started on the 20th of June and it goes
3 until the 4th of August of this year -- all comments
4 received during this period will be responded to in
5 the final EIS. Tonight's hearing is one of six to
6 be held in various communities in New Mexico and
7 Texas.
8 Before introducing members of the panel,
9 I'd like to explain my role in the hearing. I'm a
10 chief trial judge for the Air Force. I primarily
11 preside over criminal trials, so I am not an expert
12 on this draft EIS, and I'm not actually doing
13 anything with its development. I'm not here to be a
14 legal advisor to for the Air Force representatives.
15 My purpose is just to ensure that we have a fair and
16 orderly hearing, and everybody who would like to
17 speak has an opportunity to do that.

18 Let me introduce the other members of the
19 panel. On my immediate right is Mr. Bob Johnson
20 from the Holloman Air Force Base Environmental
21 Staff. To his immediate right is Sheryl Parker;
22 she's from the Air Force's Air Combat Command's
23 Environmental Office at Langley Air Force Base,
24 Virginia, and to her right is Lieutenant Colonel Don
25 Hargarten, who is the Assistant Deputy Commander for

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5

1 the 49th Operations Group at Holloman Air Force
2 Base. We also have with us to my immediate left
3 Ms. Tara Taggart, who is the court reporter. She's
4 taking down word for word everything that's said
5 during the hearing so that the presentation to you,
6 as well as your comments, will be a part of the
7 final environmental impact statement. The comments
8 that you make tonight will be there for the
9 reviewing officials to read and to assist them in
10 making a better decision.

This is this evening's schedule:

11
12 Mr. Johnson will spend a few minutes to provide a
13 short summary of the environmental process and what
14 you can do to provide input into what goes into the
15 final EIS, then Colonel Hargarten will present
16 information on the proposal and the three options
17 that the Air Force is looking at in order to
18 facilitate increased German Air Force operations at
19 Holloman, and then Ms. Parker will review analysis
20 of the proposed impact from the proposed action and
21 training option locations.

22 Following these presentations we'll
23 consider any clarifying questions, clarifying
24 something that they may have presented, you didn't
25 understand or needed repeating. After that we'll

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6

1 take a short break, and then we'll come in and have
2 public comment. I will go through the procedure
3 when we come back in after that break as far as the
4 public comment portion. Basically it's going to
5 kind of depend upon how many people we have speaking
6 as to whether there will be a time limit; last night
7 we had a five-minute time limit. I'm going to go
8 with the flow. If you'd like to speak, fill out the
9 card, I take them in random order unless they're an
10 elected official speaking on behalf of their
11 constituency, city, county, whatever it might be.
12 If you didn't fill out a card but decide as things
13 are going on or even during the comment period,
14 Well, by golly, I'd like to speak, just get up, go
15 on over and get your card and mark the box that says
16 you want to speak, and they'll get it up to me and
17 we'll make sure you have an opportunity to speak.

18 It is very important to try to get you to
19 speak. And let me just say, that's the reason we're
20 here, is to hear your comments and to get those
21 comments so that they're available to the decision
22 makers, so we are very interested in hearing from
23 you. Now, let me also say that because this hearing
24 is on environmental analysis in the draft EIS, we're
25 not able to answer nonenvironmental questions during

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1 the meeting, but the Air Force will make sure that
2 your questions are answered, or your comments are
3 addressed in the final document itself.
4 Now, you can comment at this hearing in
5 one of three ways: You can take and fill out a
6 comment sheet. I don't have one in front of me, but
7 the 8 1/2 by 11 sheet of paper that they're holding
8 up over by the door with the lines on it, you can
9 fill that out right here and hand it in here, or you
10 can take it with you and fill it out and send it in
11 later. You can send in something more lengthy
12 later; that's fine, too. In fact, I think we just
13 had a lady that picked up a comment form earlier
14 just fill it out and brought it back in and dropped
15 it off, and that's fine. The address for the -- to
16 send your comments in are at the bottom of that
17 sheet. It's important for you to realize we need to
18 have your comments received at Langley Air Force
19 Base by the 4th of August to make sure that they are
20 included in the final EIS. If they're received
21 after the 4th, the Air Force cannot guarantee that
22 they'll be included in the final EIS. Or you can
23 get up and you can speak tonight, and this is
24 informal. And even if you might be a little
25 nervous, we don't care. We're interested in hearing

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1 from you. So we really encourage you to use one of
2 these three methods, or all of them, because you can
3 use all of them. You can speak tonight, you can
4 turn in comments tonight and you can still send in
5 comments later on..

6 Okay. At this time let me go to Mr. Bob
7 Johnson.

8 MR. JOHNSON: Good evening. My name's Bob
9 Johnson, and I work as a National Environment Policy
10 Act, or NEPA, Specialist in the Environment Flight
11 at Holloman Air Force Base. During the next few
12 minutes I will provide you with some general
13 information about the NEPA, which is the basis for
14 these hearings, what we intend to accomplish, what's
15 involved in the process and what your role is in
16 this process, and I'll also go over the schedule
17 relating to the proposed action we are evaluating.

18 NEPA, which was enacted in 1969, requires
19 that before we, a federal agency, do something we
20 must analyze and document the environmental impacts
21 of that something before we proceed with the
22 proposed action. The NEPA document is meant to
23 provide a clear and unbiased discussion of any
24 potential environmental impacts relevant to the
25 proposed action and alternatives. This analysis is

1 intended to serve as a clear basis for choice and
2 should avoid lengthy discussions of issues not
3 relevant to the public action.

4 This leads me to a key point in the NEPA
5 regulations that is found in the Purpose section,
6 and I would like to quote it. "Ultimately, of
7 course, it is not better documents but better
8 decisions that count. NEPA's purpose is not to
9 generate paperwork -- even excellent paperwork --
10 but to foster excellent action."

11 Everything the Air Force has done up until
12 now and will do with this document and everything we
13 do here tonight points toward the day when the
14 decision maker makes or signs the Record of
15 Decision. Our responsibility as employees of a
16 federal agency is to ensure a full and objective
17 environmental impact analysis is performed for all
18 components of this proposed action.

19 Is EIS the only factor the decision maker
20 takes into consideration? No. He or she must also
21 take into consideration technical design issues as
22 well as monetary costs. Other factors that could be
23 taken into consideration include values of the local
24 public as well as input from elected officials.

25 Once the decision is made, is the Air

1 Force committed to implement this selected action?
2 No. The final action in the NEPA process is the
3 Record of Decision. And it is just that, a
4 decision. If the decision that's made to beddown
5 the additional 30 aircraft and build the needed
6 facilities, other constraints may cancel the
7 proposal. The Air Force would not be legally
8 obligated under NEPA to implement the selected
9 action.

10 In other words, to use a phrase our team
11 has heard a lot related to this and other Air Force
12 proposals, this is not a "done deal." It is far
13 from it, and possibly may never become a done deal.
14 The only decision made thus far has been to proceed
15 with the environmental impact analysis. The
16 decision of whether or not to do the something and
17 how to do it won't be made until the analysis is
18 complete, hopefully this December.

19 I said I would tell you how you can be
20 involved in the process. The judge earlier told you
21 what specific methods can be used to provide your
22 comments. The primary thing you can do is to ensure
23 your comment is relevant to the issues at hand. We
24 are here to receive comments on the draft EIS. We
25 are looking for feedback on environmental issues

11

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1 that you feel were not adequately addressed or were
2 not addressed at all. Maybe you're a member of the
3 Audubon Society and are aware of the presence of an
4 endangered species in the region we failed to
5 address. Maybe one portion in the discussion in the
6 document was very confusing to you and you want to
7 offer some suggestions on how we can make the
8 explanation clearer. These types of comments from
9 you are very helpful to us and will be taken into
10 consideration as we continue our analysis.

11 We won't, however, enter into a debate
12 with anyone about the Air Force's policy on training
13 or issues related to NATO alliances. If you have
14 questions along these lines, I would refer you to
15 the draft EIS Chapters 1 and 2 or our fact sheets.
16 These provide the Air Force's reasons for what we're
17 proposing, while fully realizing not everyone will
18 be in agreement with us. Again, our focus here
19 tonight is the potential environmental impact of
20 what we're proposing.

21 We don't have to have all inputs tonight.
22 If you think of something tomorrow or the next day,
23 send us your comment in writing. The comment period
24 will be open until August 4th, for any of you who
25 you might have picked up the comment cards.

12

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1 So, where are we at in the NEPA process?
2 Like all proposed actions evaluated under NEPA,
3 there's a schedule or time line we are trying our
4 best to adhere to. On this slide you can see all
5 the key actions required by NEPA and, was mentioned
6 earlier, beginning with June 20th we're having 45
7 days of public comment, and that'll be completed on
8 the 4th of August. After that we just start
9 compiling all the input we receive from these
10 meetings and continue our environmental analysis.
11 We're looking to publish a final EIS in early
12 November, and hopefully will have a record decision
13 signed in December.

14 I hope that the information I just given
15 you has provided you with a clearer understanding of
16 what NEPA requires, why are we holding these
17 meetings, and what we are trying to accomplish.
18 Again, our goal is to ensure the decision maker
19 makes an excellent decision which will lead to
20 excellent action -- one that allows the Air Force to
21 accomplish its mission while also protecting the
22 human environment. They go hand in hand.

23 This concludes my portion of the
24 presentation.

25 JUDGE HUELPEL: Thank you, Mr. Johnson.

13

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1 At this time Colonel Hargarten will brief you.
2 LT. COL. HARGARTEN: Thank you, Judge. I
3 am glad to be here tonight to provide an overview on
4 this proposal to expand the German Air Force
5 operations at Holloman. Before I get into the
6 specifics of what the Air Force is proposing to do,
7 I'd like to provide a little background on our
8 relationship with Germany since World War II and our
9 nation's current military strategy.

10 Since the 1950s Germany has demonstrated a
11 commitment to its NATO role. German aircrews have
12 been training in the U.S. in fighter aircraft since
13 1957. They have trained in F-84s, F-104s, F-4s and
14 PA-200 Tornados. Since 1992 the U.S. has provided
15 German aircrew training in F-4s at Holloman Air
16 Force Base. I was commander of that squadron for
17 two years, and the German/U.S. partnership was clear
18 to see as we hosted the German Air Force pilots to
19 help ensure our allied aircrews are trained to the
20 same high standards as U.S. pilots. This
21 partnership has been especially useful since the end
22 of the Cold War, as multinational allied actions
23 became an even more important means of protecting
24 our nation's security and promoting stability around
25 the world, as the Soviet superpower and the

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1 Communist bloc in Europe fell, and as the U.S. began
2 to withdraw its forces from Europe. All these
3 factors have made readiness and training more
4 important than ever before because of the changing
5 international environment, a greater diversity of
6 risks and threats, and reductions in the U.S.
7 military budgets. This policy is reflected in the
8 current National Military Strategy, which emphasizes
9 international training and military exchanges.
10 For this approach to our defense to
11 succeed and for U.S. and allied forces to be safe,
12 we must provide both U.S. and allied aircrews with
13 the highest caliber training. Combat readiness
14 requires constant training, and that is another
15 reason behind this proposal. The U.S. and its
16 allies must train the way they intend to fight.
17 Responding to the government's new military strategy
18 and increased risk demands a high degree of
19 proficiency.

20 Increasingly sophisticated weapons require
21 equally sophisticated training. There are three
22 main components in today's aircrew training: Low
23 altitude training, air-to-air training and
24 air-to-ground training, and proficiency in all three
25 is vital. We want to ensure that people fighting

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1 alongside us are just as combat ready as we are.
2 Holloman is well-suited for further growth in German
3 Air Force training missions. In addition to having
4 infrastructure to support the 12 Tornados already at
5 Holloman, the base offers available land, airspace
6 areas, support facilities, local community support,
7 and the benefit of being located near the German Air
8 Force command headquarters at Fort Bliss near
9 El Paso, Texas. These features contributed to the
10 successful relocation of the 12 Tornado aircraft and
11 300 support personnel at Holloman in 1996. Our
12 proposal helps ensure continued combat readiness,
13 because it provides realistic training
14 opportunities.

15 But another integral part of our mission
16 is serving as a good neighbor and a good steward of
17 the environment. That makes it important to us that
18 you assist in the decision-making process for this
19 proposal and that any time you have concerns about
20 our operations or activities, our Public Affairs
21 phone number is (505) 475-5406. Community input has
22 already led us to define avoidance areas or to raise
23 minimum flying altitudes over and distance from
24 specific sensitive areas. We also work with the
25 Federal Aviation Administration to reduce potential

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1 impacts to civilian aviation in providing advance
2 notice when we're using many airspace areas.
3
4 In our role as caretakers of the
5 environment, we believe environmental stewardship is
6 important and can be accomplished hand in hand with
7 the military mission. We manage our installations
8 to sustain diverse environments and monitor the
9 condition of natural resources, including air and
10 water quality and land condition, to ensure there is
11 little or no degradation. We work closely with
12 agencies such as the Bureau of Land Management, the
13 U.S. Forest Service and the U.S. Fish and Wildlife
14 Service to protect and enhance resources and
15 minimize impacts to sensitive areas.

16 Now I'll outline the main components of
17 the proposal to expand the German Air Force's
18 presence and establish a German Air Force
19 Replacement Training Unit at Holloman. The
20 Replacement Training Unit would function as a school
21 for German Air Force Tornado aircrews. First the
22 proposal includes facility construction and
23 relocating an additional 640 personnel to support
24 training of German aircrews in the 30 additional
25 Tornados. Second, it includes aircraft training in
airspace throughout the region. And third, in order

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1 to meet the needs of the Tornado aircrews, three
2 training options are considered within the proposed
3 action: Construction and operation of a new
4 air-to-ground tactical target complex at one of two
5 locations on McGregor Range, or use of existing
6 military training ranges at White Sands and Melrose
7 Range near Clovis, New Mexico to accommodate
8 training requirements.
9 This beddown of 30 additional Tornado
10 aircraft would require construction of
11 administrative and academic buildings, headquarters
12 and operations buildings, a flight simulator, supply
13 and maintenance facilities and hangars, and
14 dormitories on Holloman Air Force Base.
15 Construction would total over \$100 million. All the
16 construction and relocation expenses directly
17 related to the Germans would be paid for by the
18 German government.

19 A variety of airspace is needed to support
20 the German Air Force mission. Airspace needs
21 include military training routes for low-altitude
22 maneuvers, military operations areas or large areas
23 of airspace where military aircraft practice
24 air-intercept training, and areas restricted to
25 military use. The proposed action would result in

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1 an addition of approximately 2,800 sorties on
2 military training routes, 3,200 additional
3 air-to-air or dogfight sorties in military
4 operations areas or restricted areas, and 2,600
5 air-to-ground range sorties per year. Aerial
6 refueling operations would also be performed. These
7 sortie numbers are not cumulative. By that I mean
8 you simply cannot add up all these numbers and
9 arrive at a total number of sorties that would be
10 flown by additional aircraft. A single sortie may
11 include use of a low-level training route, then
12 performing inflight refueling, then use of military
13 operations area, followed finally by delivery of
14 training ordnance on an air-to-ground training
15 range.

16 Currently the majority of tactical
17 air-to-ground training is conducted at White Sands
18 Missile Range. According to national policy, White
19 Sands' mission of research, development, tests and
20 evaluation has priority over Holloman's training
21 mission. As a result, it is presently difficult to
22 get adequate time to train in White Sands airspace.
23 Adding 30 more aircraft at Holloman would only
24 increase the problem. In addition, terrain features
25 of the Red Rio and Oscura target complexes preclude

19

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1 their use for training in certain types of mission
2 deliveries.
3 We are looking at three options to meet
4 the air-to-ground training requirements of the
5 Tornado aircrews. Two of the options involve
6 construction of a new target complex for
7 air-to-ground training on McGregor Range, which is
8 controlled by the Army's Fort Bliss. One option is
9 a location on western Otero Mesa, and the second
10 complex is a location in the Tularosa Basin portion
11 of the range. If a new target complex were to be
12 built, it would be comprised of a two-by-four mile
13 impact area within a 12-by-15 mile safety area.
14 Construction activities would be primarily confined
15 to a two-by-four mile impact area. No live ordnance
16 would be used in the new target complex.

17 Although not operationally desirable, the
18 third option is to use only existing ranges in New
19 Mexico to support the additional aircraft. These
20 would include Red Rio and Oscura ranges on White
21 Sands Missile Range west of Carrizozo, New Mexico
22 and use of the Melrose Range near Clovis, New
23 Mexico.

24 These training options differ only with
25 respect to utilization of airspace and ranges,

20

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1 aircraft would access either of the new target
2 complex options or the existing ranges using
3 military training routes.
4 We'll go over a few maps now to explain
5 the locations that I was just discussing. This
6 first slide, Holloman Air Force Base, you can see
7 the red dot here, is located in the -- beneath the
8 dot. The blue area here is White Sands Missile
9 Range. That is a restricted airspace. To the south
10 of Holloman is McGregor Range. We've got the Talon
11 military operations area over here, the Beek
12 military operations area and the Peco military
13 area. The 2,200 sorties I referred to would be
14 flown predominantly in these locations. We do not
15 intend to use Valentine or anything over here to the
16 west.

17 Next slide, please. This is a very busy
18 slide. What this shows is where the 2,800 low level
19 sorties will be flown. This slide shows in color
20 the different MTRs, with -- let's see. Of course,
21 Dell City is located right about here. The low
22 levels that would go around Dell City would be the
23 102141 route here, just to the north of Dell City
24 is -- right here, just to the north is route IR-134,
25 and there's a route IR-194 that's going to the south

1 and passing to the west of Dell City. There's two
2 routes on this map that are in our local flying
3 area, but we do not use those. One of them is
4 IR-178 here, going up into New Mexico, and then this
5 VR-196, the green right here. We don't fly those
6 two routes.

7 Next slide, please. This shows two
8 current ranges, which are also ranges we would use
9 under that existing ranges option. I'll quickly go
10 over where the ranges are located and what
11 facilities they have at them. Again, here's
12 Holloman Air Force Base in the middle of the
13 circle. By the way, this is a 100-nautical mile
14 circle, just to keep you oriented on distances on
15 the map. Located 45 nautical miles to the north of
16 Holloman is Red Rio Range. It is a tactical bombing
17 range. It has a simulated airfield on it,
18 industrial complex convoys, antiaircraft artillery
19 sites, surface-to-air missile sites. It also has a
20 single live drop target on it. That is the only
21 location that will be used for live drop targets, or
22 live drop training. It is not a manned range and
23 the targets are not scored right now.

24 Just to the south of it is a Oscura
25 Range. It is a conventional range; it has two

1 different targets. There are targets on the ground
2 with a number of concentric circles around the
3 target used to practice basic bombing fundamentals
4 on that range. It also has a scoring target on the
5 range. It is manned, and the tour is manned to
6 provide the aircrews with scores when they drop
7 their training ordnance.

8 There's also a single target on McGregor
9 Range right now. We call it a class C target, with
10 concentric targets around it. It is not a manned
11 range or a scored target. The other location,
12 located 135 miles to the northeast, is Melrose
13 Range. It has both a tactical range and a
14 conventional range. This Dona Ana range is not in
15 red; it is an Army range that the Army uses for live
16 artillery firing and for tank maneuvering with their
17 heavy vehicles.

18 This slide shows the other two options.
19 Now, the one option was using existing ranges.
20 These are the two other options proposed for new
21 tactical target selection. First I'll orient you on
22 the map. Oro Grande is over here to the west; you
23 hear people referring to being on the mesa or off
24 the mesa. What this is referring to is if you if
25 follow the laser point there's an escarpment that

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1 runs along right here several hundred feet. That
2 defines what we use to define the difference between
3 on the mesa and off the mesa. Also on the map, this
4 is county road 506 going through the range, and just
5 to the north of it is a power line. Under both
6 options of these two locations, Highway 506 would
7 not have to be moved, nor would the power line.

8 Also on this very busy slide shown, which
9 will be discussed in a little more detail by
10 Ms. Parker, this is a water pipeline that comes out
11 of the hills that is used to feed the water troughs
12 for the cattle on the range. These green lines are
13 different grazing units, and you can see that this
14 location on the mesa splits into two different
15 grazing units. So when we refer to it in the
16 script tonight, this is referred to as the west
17 Otero Mesa option, and this location is referred to
18 as the Tularosa Basin option.

19 This light red line -- it's difficult to
20 see probably in the back -- represents the
21 27,000-foot safety fan that surrounds these two
22 two-by-four mile areas. The public would not be --
23 access would have to be controlled 24 hours a day
24 inside the two-by-four mile area. We would put a
25 fence up that's approved by the BLM where the

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1 antelope that's up on the mesa could go near that
2 and graze; however, the public would not be allowed
3 to go in there. The public, ranchers and sportsmen
4 would be able to go in -- when the range is not in
5 use would be able to go inside this safety fan. We
6 just have to control access into the safety fan when
7 the range is actually in use, when there are
8 aircrews doing training on the range for safety
9 reasons.

10 Okay. The airspace that would be used
11 could include modified military training routes and
12 restructured airspace in southern New Mexico and
13 west Texas that were contained in a separate
14 proposal by the Air Force and addressed in a final
15 environmental assessment, or EA, entitled Proposed
16 Airspace Modifications to Support Units at Holloman
17 Air Force Base, New Mexico. That action also
18 involves establishment of an air refueling route.
19 This EA has been approved by the Air Force and is
20 undergoing review by the FAA. If this airspace
21 modification is not implemented, existing airspace
22 would be used to support the increased Tornado
23 aircraft. These differences in airspace
24 availability and utilization are taken into account
25 in the analysis of the impacts in the EIS that we

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1 are addressing today. Ms. Parker will discuss these
2 impacts shortly.

3 In addition to the proposed action and its
4 three training options, the EIS includes the
5 no-action alternative which analyzes the environment
6 without the additional aircraft and aircrew
7 relocation, target complex construction or change in
8 airspace utilization. This alternative does,
9 however, include some other actions that have
10 already been adopted, such as the change from F-111
11 to F-16 aircraft at Cannon Air Force Base.

12 The proposal to expand German Air Force
13 operation at Holloman is important to our country
14 because it advances our efforts to keep our nation
15 and its vital interests safe through a strong and
16 well-trained allied team, despite the fact that U.S.
17 military forces are much smaller today. Keeping
18 this team ready requires constant realistic
19 training, now more than ever before. And central to
20 this proposal and our ongoing mission is our
21 responsibility to serve as good neighbors and
22 stewards of the environment.

23 Thank you for your attention. I
24 appreciate the opportunity to make this presentation
25 to you tonight.

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1 JUDGE HUELDEL: Ms. Parker will now
2 summarize the environmental impacts associated with
3 the Air Force's proposals.

4 MS. PARKER: The draft EIS describes the
5 environmental impacts that are associated with
6 implementing the proposed action, which is to
7 relocate 30 more German aircraft and associated
8 personnel to port facilities at Holloman and the
9 three training options that are part of the proposed
10 action.

11 As Colonel Hargarten mentioned, there are
12 three main components of the proposal: Construction
13 at Holloman to support the additional aircraft,
14 personnel and programmatic needs, training and
15 airspace throughout the region, and the three
16 training options to meet the air-to-ground training
17 requirements.

18 We looked at three options to satisfy the
19 need for increased air-to-ground training. Two of
20 these options involve construction on McGregor
21 Range, and the third option would increase use of
22 existing ranges. We also looked at the use of
23 airspace in the region. The Air Force has requested
24 that the Federal Aviation Administration approve
25 modifications to military training routes in New

1 Mexico and southwest Texas and the Talon military
2 operations area in New Mexico. This draft EIS
3 examines the environmental effects of the proposed
4 action both with and without this modified
5 airspace. Also, as Colonel Hargarten mentioned
6 previously, we examined the no-action alternative
7 which considers not implementing the proposed
8 action, and therefore would result in no change or
9 impact to any of the environmental analysis
10 categories.

11 I'll discuss the overall impacts to the
12 environment associated with implementing the
13 proposed action, impacts to airspace use and
14 management, environmental impacts of construction of
15 one of the two target complexes, as well as the
16 option of using the existing ranges. The existing
17 ranges would be considered -- would be used under
18 all three training options, but their use would be
19 considerably higher under the existing range
20 training option.

21 Before I go into any of the specific
22 impacts, I want to explain how the impacts of the
23 proposed action were compared to environmental
24 conditions without the proposed action. First, we
25 describe the existing environmental conditions in

1 fiscal year 1995. However, there are a number of
2 actions that have already been approved that will
3 occur whether or not the additional 30 Tornados are
4 brought to Holloman. For example, in 1995 the 12
5 Tornados that are already there at Holloman now had
6 not yet arrived. Also, a squadron of Ar-38s at the
7 base was deactivated just this year, and this was
8 not included in the conditions that prevailed in
9 1995. In addition, Cannon Air Force Base is in the
10 process of changing from F-111s to F-16 aircraft,
11 and they will be using some of the same airspace
12 that the Tornados would use.

13 Therefore, to provide a baseline to
14 compare to the proposed action we projected the
15 environmental conditions that could be expected to
16 exist at the time the additional Tornados would be
17 brought to Holloman. This projected baseline
18 includes the ongoing actions which would occur
19 between 1995 and the fall of 1999, or first quarter
20 of fiscal year 2000, when the 30 Tornados would
21 bedown. The draft EIS also discuss cumulative
22 impacts from the proposed action in combination with
23 other reasonably foreseeable Department of Defense
24 actions affecting Holloman Air Force Base and the
25 airspace of ranges in the region.

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1 At any given time there are a number of
2 potential actions that could include basing of
3 aircraft, changes in mission for the aircraft at a
4 particular base or new construction at a base that
5 the Air Force might be discussing or contemplating.
6 Many never make it past the discussion stage, but
7 some do and it is not always possible to call them
8 reasonably foreseeable actions during this early
9 discussion stage. As an example, development of the
10 new F-22 Raptor aircraft is well under way, but the
11 basing process is not yet out of the discussion
12 stage. Therefore, included in a discussion of the
13 possibility of basing an operational unit of F-22s
14 at Holloman is not necessary, because it is not now
15 reasonably foreseeable. The Air Force is also
16 discussing establishing a new electronic scoring
17 site for bomber aircraft, and if the decision were
18 made to pursue these sites, they may be located
19 somewhere in the mountainous west or the southwest.
20 But the definitive criteria necessary to formulate
21 this discussion into a proposal has not yet been
22 developed; therefore, its precise location is not
23 reasonably foreseeable and an analysis is not
24 included in this EIS.

25 Now to summarize the findings of the draft

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1 EIS in the 13 environmental areas analyzed in the
2 document. Tonight's briefing is an overview of the
3 general findings in each of the environmental
4 disciplines, and I urge that you refer to the draft
5 EIS for detailed resource impacts.

6 The first resource area being examined was
7 airspace use and management. Our analysis found
8 that there would be minor impacts to civil aircraft,
9 traffic due to increased operations at Holloman,
10 and none of the three training options under the
11 proposed action would result in any significant
12 airspace impacts.

13 The noise analysis examined impacts around
14 the Holloman airfield and in the airspace ranges
15 that would be used. At Holloman and surrounding
16 areas about 41 acres are currently exposed to
17 day-night average sound levels of 65 decibels or
18 more. Day-night average sound level is a
19 measurement that averages noise from multiple
20 events, such as a jet taking off or flying overhead
21 over a typical 24-hour period. The measure adds an
22 extra 10 decibels to events that take place between
23 the hours of 10:00 p.m. and 7:00 a.m. because of an
24 increase in sensitivity at night. By October 1999
25 the affected area would increase to about 42 acres

1 due to other ongoing projects. Implementation of
2 the proposed action would further increase this to
3 about 47 acres, a change of about 12 percent. For
4 either the west Otero Mesa or the Tularosa Basin
5 training option, sound levels under most affected
6 airspace away from Holloman would remain essentially
7 constant or increase by a few decibels. In no case
8 would average sounds levels increase by more than
9 six decibels. Under the Existing Range training
10 option, sound levels under affected airspace would
11 increase negligibly at most locations, or even
12 decrease in some instances; but there are instances,
13 such as under the Pecos military operations area
14 near Fort Sumner, that sound levels would increase
15 by as much as 13 decibels from their existing levels
16 of about 45 to 46 day-night average sound level to
17 about 57 to 59 decibels. Except at the
18 air-to-ground ranges themselves, none of the
19 airspace areas -- military operations areas and
20 training routes -- would have an average noise level
21 above 65 decibels under any of the options.

22 Increased operations at Holloman Air Force
23 Base would result in increased noise over portions
24 of White Sands National Monument. Other changes in
25 overflights in affected airspace would result in

1 negligible changes in sound levels in most
2 locations, with no significant effect on land use.
3 In some areas east of McGregor Range and southwest
4 of Artesia, particularly where airspace units
5 overlap, there would be a noticeable increase in the
6 number of overflights that could be annoying to
7 residents, as well as outdoor recreationists. Under
8 the Existing Range training option, areas near
9 places like Capitan Mountains and Sumner Lake would
10 experience higher overflight increases that could
11 also be annoying to recreationists. However, even
12 with the increases, the total number of overflights
13 would remain low and incidental, with any one
14 location unlikely to be overflown more than once a
15 day.

16 Construction of a new target complex on
17 McGregor Range would result in a reduction of access
18 to portions of Otero Mesa south of Highway 506 by
19 recreationists, BLM workers, and ranchers. Access
20 for livestock management, for example, would need to
21 be scheduled around times that the complex would be
22 in use, which is estimated at about 60 hours per
23 week. Livestock grazing would be able to continue,
24 however, even when the complex is being used. If
25 the new target complex were constructed on western

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1 Otero Mesa, about 5,200 acres would be removed from
2 grazing. Under the Tularosa Basin option, no land
3 would be removed from grazing, but access to, say,
4 portions of Otero Mesa would still be restricted for
5 people while the target complex would be in use.
6 Neither of the options would affect access along
7 Highway 506 itself.

8 Air quality would not be significantly
9 impacted by the proposed action. There would be
10 temporary increases in air emissions during the
11 construction of the facilities at Holloman, and if a
12 new target complex were constructed, but these
13 emissions would not result in a significant impact
14 to the air quality conditions, including
15 visibility. Aircraft emissions would also increase,
16 but not at levels that would -- enough to affect the
17 adherence to the national ambient air quality
18 standards.

19 Potential impacts to biological resources
20 from implementing the proposed action would include
21 habitat loss, habitat modification, changes in
22 habitat use by animals, direct loss of animals as
23 well as temporary disturbance from noise.

24 About 36 acres of vegetation with limited
25 wildlife value would be disturbed at Holloman Air

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1 Force Base for construction of the facilities. In
2 addition, an existing building that is used by bats
3 as a roost would be demolished. Burrowing owls in
4 the vicinity of proposed facilities on the base
5 would be relocated. There would be no impacts to
6 threatened or endangered species or to wetlands.
7 Other potential impacts would include
8 continued disturbance of vegetation and habitat at
9 existing ranges and continued temporary wildlife
10 disturbance from noise under existing airspace.
11 Aircraft flights would increase over much of the
12 existing airspace compared to the baseline, but the
13 increases would be relatively small and result in a
14 small increased potential disturbance to wildlife.
15 Peregrine falcon and Mexican spotted owl nests would
16 potentially be overflown more frequently in the
17 areas of the Lincoln National Forest, Sacramento
18 Mountains, and Gila Wilderness in New Mexico and the
19 Apache-Sitgreaves National Forest in Arizona.
20 Southwest willow flycatcher nest habitat along the
21 Rio Grande and in Arizona may also be overflown.
22 Similarly, bald eagle winter concentration areas in
23 west-central Arizona, the portion of the Rio Grande
24 in the region around Elephant Butte Reservoir and
25 Brantley Lake and Santa Rosa Lake along the Pecos

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1 River potentially would be overflown more
2 frequently. These daily overflight increases would
3 be relatively small and result in a low impact to
4 the protected species. Consultation with the U.S.
5 Fish and Wildlife Service would be completed prior
6 to use of any of the airspace to implement the
7 proposed action.
8 Impacts associated with construction and
9 uses of a new target complex on west Otero Mesa
10 would result in a net loss of 500 to 1,040 acres
11 from construction of targets, firebreaks and roads.
12 In addition, there would be annual redisturbance
13 during ordnance clean up and maintenance. Use of
14 inert ordnance and flares would increase the
15 potential for fires within the impact area. Up to
16 46,000 linear feet of waters of the U.S. may be
17 affected under this option. Loss of grassland and
18 shrubland vegetation would result in a minor loss of
19 wildlife habitat, including habitat for burrowing
20 owl, aplomado falcon and black-tailed prairie dog
21 and grama grass cactus habitat. Also, wildlife
22 would probably avoid the new target complex when
23 inert ordnance was being dropped and during cleanup
24 and maintenance because of the human presence and
25 the noise. Increased aircraft sorties would result

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1 in more frequent overflights of wildlife on McGregor
2 Range. For example, wintering bald eagles, nesting
3 raptors such as the red-tailed hawks and the
4 northern harriers, and bat habitat, including
5 potential roosts along the escarpment and feeding
6 areas and water sources would be overflowed more
7 frequently.

8 Impacts associated with construction and
9 use of a new target complex in the Tularosa Basin
10 would include short-term loss of virtually all 5,120
11 acres within the impact area because of the need to
12 remove existing ordnance before constructing the
13 targets. In addition, annual redistribution of about
14 1,040 acres would occur during ordnance cleanup and
15 maintenance. Use of inert ordnance and flares would
16 also increase the potential for fires under this
17 option. About 33,240 linear feet of waters of the
18 U.S. may be affected by construction and use of this
19 option. Loss of the grassland and shrubland
20 vegetation would result in a loss of wildlife
21 habitat, including habitat for aplomado falcon and
22 the night blooming cereus. As with the west Otero
23 Mesa option, wildlife would probably avoid the new
24 target during dropping of inert ordnance and during
25 cleanup and maintenance because of human presence

1 and noise.
2 Using only existing ranges would result in
3 slightly higher aircraft use of areas IR-113 and
4 VR-176 compared to the no-action alternative. The
5 increased use of VR-176 would result in a small
6 increase potential for overflights of habitat to
7 peregrine falcons, Mexican spotted owls, bald
8 eagles, whooping cranes and southwest willow
9 flycatchers.

10 Impacts from the proposed action to
11 cultural resources on Holloman Air Force Base under
12 airspace areas or at existing ranges would be
13 negligible. If a new target complex were
14 constructed on the west Otero Mesa, 17 sites
15 eligible or potentially eligible for placement on
16 the National Register of Historic Places would be
17 impacted. If a new target complex were constructed
18 in Tularosa Basin, 29 sites eligible or potentially
19 eligible for placement on the National Register
20 could be affected.

21 Water resources would not be impacted by
22 the airspace components of the proposed action.
23 Construction and new facilities at Holloman would
24 result in increased runoff, but common engineering
25 practices would be used to prevent any serious

1 problems resulting from runoff. Increased use of
2 existing ranges would result in negligible impacts
3 caused by runoff, and there is an increased
4 potential for soil erosion during heavy rain.
5 However, resulting impacts to surface waters would
6 be minimal. Increased soil erosion and sediment
7 transport could result from construction and
8 operation of a target complex in the Tularosa Basin,
9 but the impacts would be negligible. Impacts from
10 the west Otero Mesa option would be similar. In
11 addition, there is a chance that water resource
12 improvements such as pipelines, water tanks and pump
13 houses could be damaged by inert ordnance. These
14 improvements would be relocated as necessary or
15 repaired to insure that the availability of water
16 for wildlife and livestock would be maintained.

17 There would be a 12 percent increase or
18 about 13,500 pounds in hazardous waste generated per
19 year, and an increase in use of hazardous and toxic
20 materials at Holloman. Hazardous materials and
21 wastes would be accumulated and disposed of in
22 accordance with established procedures and would
23 result in no significant impact on hazardous
24 material and hazardous management practices.
25 Hazardous materials and waste management are largely

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1 unaffected by airspace utilization. Munitions on
2 existing ranges would increase, but Air Force
3 ranges are cleared annually of scrap metal, which is
4 disposed of through existing orders and regulations.
5 Under any of the training options, munitions use
6 would generate about 150,000 pounds of nonhazardous
7 scrap metal each year. Again, since cleanup and
8 disposal procedures are in place to handle this
9 waste, there would be no significant impact to the
10 environment or hazard from this activity.

11 The proposed action would result in an
12 increase of 640 military personnel at Holloman, and
13 generate about 110 construction jobs. Annual wages
14 and purchases in Otero County would increase by 10
15 percent to \$18.2 million, with the potential for
16 other additional infrastructure improvements. There
17 would be no significant impact to regional
18 socioeconomic attributes such as employment,
19 construction, police, or fire protection. Cost of
20 construction of a new target complex on west Otero
21 Mesa is estimated at \$4 million, and the Tularosa
22 Basin option is estimated at \$20 million. Air space
23 utilization has little effect on socioeconomic
24 conditions.

25 The only transportation impacts resulting

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1 from the proposed action would occur in the city of
2 Alamogordo itself. Although the proposed action
3 would result in a relatively small increase in
4 traffic, there would be an adverse affect on traffic
5 conditions, potentially increasing congestion on the
6 roads through Alamogordo. On the main road through
7 Alamogordo -- I'm sorry.

8 Utility use at Holloman would increase
9 between six and 13 percent under the proposed
10 option, but the increase would be within existing
11 levels of service. Alamogordo utility use -- water,
12 waste water treatment, waste disposal and electric
13 and natural gas supply -- would increase from three
14 to six percent. There would be no impacts on
15 utilities from changes in airspace or from range
16 use. If a new tactical target complex were built on
17 west Otero Mesa a portion of existing water lines
18 and a stock tank may need to be relocated. The
19 other training options would have no effect on
20 utilities.

21 Construction at Holloman Air Force Base
22 and Red Rio and Otero Impact Areas at White Sands
23 Missile Range could affect soils, by because of
24 present conditions at these areas the impacts would
25 be minor. Increased live munitions drops at Red Rio

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1 could increase vegetation loss and a potential for
2 soil erosion. While increased use of live ordnance
3 at Red Rio could result in increased contamination
4 from uncombusted explosives, past use was found to
5 cause negligible soil contamination. If the
6 Tularosa Basin new target complex were constructed,
7 virtually 100 percent of the 5,120-acre impact area
8 would be heavily impacted; that is, all vegetation
9 would be removed in order to clean up the existing
10 unexploded ordnance. If the west Otero Mesa target
11 complex were constructed, about 20 percent or 1,000
12 acres of the vegetation would be removed. Soil
13 conditions would be unaffected by airspace
14 utilization.

15 Safety impacts resulting from facilities
16 construction would be negligible. There would be a
17 minor increase in risk of aircraft mishap and
18 bird-aircraft strike if the proposed action is
19 implemented. Although munitions use and handling
20 would increase over the current conditions, range
21 operating procedures are already in place to ensure
22 safe operation, so no significant impact is expected
23 under any of the training options. There is a
24 potential for increased fire risk if one of the new
25 target complex alternatives is selected.

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1 The effect of this proposed action along
2 with other actions which have been recently
3 implemented, such as the 12 Tornados that were
4 brought to Holloman last year, and actions which
5 will be implemented in the reasonably foreseeable
6 future, such as the change to the F-16s at Cannon
7 Air Force Base, were addressed in the draft EIS's
8 cumulative impact analysis. A comparison was made
9 between conditions as they prevailed for fiscal year
10 1995 and those that are projected for fiscal year
11 2000. For most resources no significant cumulative
12 impacts would occur following expansion of the
13 German Air Force operations at Holloman. These
14 resources include airspace management, air quality,
15 archaeological, cultural and historic resources,
16 water resources, hazardous materials and waste
17 management, safety, utilities, transportation, and
18 soils. In most cases cumulative impacts would be
19 related to increases in aircraft operations and the
20 associated noise, which could affect land uses and
21 biological resources. Other activities such as
22 timber harvesting and grazing could affect -- could
23 add to the habitat impacts, although these impacts
24 would be minor. Other projects in Alamogordo could
25 affect employment and economic activities in the

1 area. Finally, there is an initiative underway
2 which would provide realistic training for bomber
3 aircrews stationed at Barksdale and Dyess Air Force
4 Bases. Possible alternatives may involve
5 establishment of an electronic scoring site in west
6 Texas or New Mexico. Potential alternatives could
7 affect airspace use considered in the current
8 action. This and other possible alternatives will
9 be considered in a separate analysis.
10 To summarize the environmental impacts
11 from the proposed action, most locations would
12 receive negligible impact to the environment. Areas
13 that are projected to be most affected if the
14 proposed action goes forward are areas near
15 Alamogordo because of increases in employment,
16 population, traffic and aircraft operations at the
17 base, areas near Carrizozo because of an increase in
18 nearby overflights, areas west of Truth or
19 Consequences in which threatened and endangered
20 species such as the bald eagle and the Mexican
21 spotted owl could be disturbed by potential
22 increase in overflights; the Fort Sumner area if
23 there is an increase in the use of Melrose Range, if
24 there is -- I'm sorry. Let me say that again. The
25 Fort Sumner area because of potential increase in

1 nearby overflights if there is an increase in the
2 use of Melrose Range. Near Dell City because of
3 increased nearby overflights and the
4 Alpine/Marfa/Fort Davis area could experience
5 increased nearby overflights if expansion of the
6 German Air Force operation is approved.
7 Thank you for your interest and
8 attention.
9 JUDGE HUELPEL: Thank you, Ms. Parker. At
10 this time if people have some questions about what
11 has just been presented where you need to clarify
12 what it was that was presented, I'll entertain those
13 questions right now. If there are no questions
14 we'll take a break, and then when we come back we'll
15 go into the public comment period where you'll have
16 an opportunity to present your views and your
17 comments on the proposals. Does anybody have any
18 questions regarding trying to clarify anything that
19 was presented here?

20 Sir, if you would come up to the
21 microphone. I want to make sure everybody's able to
22 hear, and it would also help if you would state your
23 name, sir.

24 MR. LYNCH: James Lynch. My question is:
25 How long will you carry on this exercise of

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1 training? How many years do you plan?
2 JUDGE HUELPEL: Okay. Colonel Hargarten,
3 can you address that?
4 LT. COL. HARGARTEN: Yes, sir. Right now
5 the Germans have signed a memorandum of agreement
6 for the 12 aircraft that are already at Holloman.
7 It was a 10-year MOA. Now, with all the money
8 they're putting in construction there, for example,
9 under this proposal we're talking about \$100 million
10 worth of construction, I would assume that they
11 would probably want to stay longer, but I can't
12 force that -- I cannot forecast that for sure.
13 Right now it's 10 years, but I would guess right now
14 if nothing changed that they would want to continue
15 since they've sunk so much money into construction.

16 JUDGE HUELPEL: Are there any other
17 clarifying questions? Apparently not. Let's go
18 ahead and take about a 10-minute break. Let me
19 remind you again: We've had a couple people come in
20 late. I'm going to take comments if you sign the
21 card, and I'll get all those cards and I'll take the
22 comments, call people in random order to provide
23 comments. And that's why we're here, is to hear
24 your comments or receive your written comments, so
25 we're anxious to hear them and we solicit your

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1 comments. We'll be in adjournment for about 10
2 minutes.
3 (A recess was taken.)
4 JUDGE HUELPEL: Ladies and gentlemen,
5 we're ready to start in. Has anybody not turned in
6 a card indicating they want to speak? It appears
7 that they have. I've got several cards here. As I
8 indicated before, we do have a court reporter here
9 to make a verbatim record, and this will allow
10 everyone to review the record and your input that
11 was stated so that they can make sure your comments
12 are accurately and completely addressed in the
13 environmental process.
14 With that in mind, please help me with the
15 following procedures: I'll call on people and ask
16 you to come up and speak only after I have
17 recognized you, and please address your comments to
18 me as the hearing officer. Please use the
19 microphone. I would like to make sure that
20 everybody here can hear, and that the court reporter
21 can hear, as well. I've got five cards, so what I'm
22 going to do is say if you can kind of keep your
23 comments five to 10 minutes, within that range, it
24 would be greatly appreciated. So I want to make
25 sure everybody's got an opportunity to speak, and if

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1 you're going to need more, let me know. And I,
2 lastly, ask that only one person can speak at a
3 time, because the court reporter can only record one
4 person speaking at a time. I don't think that's
5 going to be a problem, but with that we'll go ahead
6 and begin the process. What I'm going to do is
7 shuffle the cards and start calling people in random
8 order.
9 And the first speaker would be Bobby
10 Jones.
11 MR. JONES: Yes, sir. Thank you. I'm
12 Bobby Jones, and I live in Otero County; however, I
13 do a lot of my business here, and I have some
14 comments and some questions.

15 And one of the questions I'd like to ask
16 is: As I see these documents and listen to you-all
17 talk, I don't see any acknowledgement that there
18 will be any compensation for damages done to anybody
19 in the area under the overflights for the training
20 runs, and I wish you-all -- want somebody to address
21 that. Is there going to be anything done for that,
22 or are we just going to have to sit there and take
23 it?

JUDGE HUELPEL: Now, as far as answers to
24 your questions, the only thing I can tell you is

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1 those will be addressed in the final environmental
2 impact statement. If you have questions, go ahead
3 and ask the questions for us to have to make sure
4 that they're answered in the environment impact
5 statement. We'll take those, but they're not going
6 to be able to be answered tonight.

DC-1 7 MR JONES: Okay. Well, that was one
8 question I wanted addressed, because it's very
9 important. It looks to me like we have to suffer
10 all the damage for no compensation, and it's because
11 even though we're in an area where there's
12 checkerboarded lands, some of it is private and I
13 have some real concerns about that.

14 Also, I have questions for Ms. Parker on
15 the average sound levels and decibels. I'm curious
16 as to how -- that you arrived at that. Is that an
17 average done on a 24-hour basis, total sound that
18 you'll hear in one day's time from the overflights
19 of the sorties, or is that the total year-long
20 average?

21 MS. PARKER: No --

22 JUDGE HUELPEL: Well, let me -- that's
23 kind of a clarifying question from the presentation
24 before, so let me see if we can answer that one,
25 because I would have taken that during the

1 clarification questions.

2 Can you clarify how the decibels were done
3 with a microphone?

4 MS. PARKER: Yes. As the presentation
5 mentioned, the decibel levels that I gave that's
6 under 65 decibels is averaged over a 24-hour
7 period. It's not year-long, it's 24 hours.

8 MR. JONES: Well, as I understand this,
9 then, by averaging them over a 24-hour period, we're
10 talking about single fly levels of a single event
11 category? Isn't that what you called it last night,
12 of a single flyover at 100 feet, that would be
13 categorized as a single event, noise level?

14 MS. PARKER: To clarify, again, when it
15 flies over you at that particular moment, that's a
16 single event.

17 MR. JONES: That's what I wanted to know
18 for sure, because that wasn't clear to me, even last
19 night. But if that's so, then, as I see it, the
20 damage done by that single event is not mitigated
21 whatsoever, any at all, but 24 -- averaging like
22 you've done in your document, that gives a false
23 picture, and I wish that to be on the record,
24 because that's -- we have been around these planes
25 some and we understand what's going to -- what we're

1 facing to some extent. And if these overflights go
2 like they are intended, we won't be able to stay
3 there, and we feel there's going to be considerable
4 damage.

5 And you talked about air quality
6 standards. Did these -- this environmental impact
7 statement address the air quality standards of the
8 state of New Mexico or the state of Texas, or were
9 they just national standards?

10 MS. PARKER: The air quality standards
11 that were used were both the national ambient
12 quality for year six criteria pollutants in New
13 Mexico as well as Texas.

14 MR. JONES: Okay. I appreciate that.
15 There's a statement about the overflights and the
16 rest of what I have here. I believe there's
17 adequate current training grounds for the Germans,
18 even if they bring the 30. I don't think they
19 should come; we already have the 12. But I don't
20 believe that they should get their pick of the crop,
21 so to speak, for the rest of these areas that you
22 are bringing in to be new overflight areas. I have
23 a particular concern because, according to the maps
24 and all I've been told by the Air Force and their
25 personnel, I'm directly under of those overflights,

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1 both to line up on a target on Otero Mesa and also
2 for the low-level training run that runs toward
3 Sierra Blanca on the west side of the Rio Grande,
4 down the river. I don't know the number; I forgot
5 to write that down. But I'm against that. I don't
6 want to see that put into effect, and if they have
7 to have a new target built I'd prefer the Tularosa
8 target off the mesa.

9 Thank you.

10 JUDGE HUELPEL: Thank you, Mr. Jones.
11 The next speaker would be Greg Duggar.

12 MR. JONES: Thank you, sir. I'm Greg
13 Duggar, a resident of Otero County and of Lincoln
14 County. This project will involve -- we will be
15 recipients on both ends, and we're happy for that.

16 Ms. Parker, I couldn't help but notice
17 that fly bothering you during your presentation.
18 Now, if he's going to cause you that much

19 difficulty, could you imagine what we're in for?

20 Now, I have a very serious question that I
21 would like to address to the reporter. I'm not a
22 pilot; I'm a private landowner. But what will our
23 rights be if we pursue -- or any pilot, any private
24 pilot? Are we to stay under 100 feet? Will that be
25 our flight space -- all right -- on our private

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1 properties? Will 100 feet above our properties,
2 will that be our limit from the ground? And I would
3 like to have that addressed.

4 I want to be on record that I am not for
5 this project where it is funded by the American
6 taxpayer in any shape or form. If the German
7 government wants to shell out the money and foot the
8 bill, then that's another story. But for the
9 American taxpayer, I'm not for any of us to fund a
10 project like this.

11 But I thank you for this time, and those
12 were my questions. Thank you.

13 JUDGE HUELPEL: Thank you, sir.

14 The next speaker would be Bruce Malloy.

15 MR. MALLOY: My name is Bruce Malloy. I
16 represent Guadalupe Mountains National Park and the
17 National Park Service. I have a couple of
18 concerns. Recently the U.S. Air Force determined
19 that there was a finding of no significant impact on
20 the final environmental assessment for the airspace
21 modifications. That's a related NEPA analysis to
22 this present analysis that's going on, and I feel
23 that the U.S. Air Force should have included both of
24 these analyses together into one environmental
25 impact statement instead of separating out two

1 related issues that are going on almost
2 simultaneously, and addressing them separately --
3 they should have addressed those together.

4 I'm sorry. I haven't read this document
5 in its entirety; I've scanned over it. As you say,
6 it's a large document. But I plan on reading it
7 before the comment period ends so the National Park
8 Service can have the opportunity to make some
9 written comments, as well. But a couple of points
10 that I did notice in this draft EIS is that it
11 mentions the National Park Service, on page 3-29,
12 and it says that the National Park Service manages
13 five parks and monuments underlying the affected
14 airspace. And I'm not quite sure what affected
15 airspace that is, because it does include Carlsbad
16 Caverns National Park and wilderness area, and I
17 wasn't aware that there is, you know, military
18 training around or military training operations that
19 are over the top of Carlsbad caverns, so that needs
20 to be clarified.

21 It goes on to say that in addition the
22 Guadalupe Mountains National Park and a couple of
23 national parks that are located near but not beneath
24 the affected airspace, and I hope that that's true
25 because in the EA that just came out it had been

1 changed to move away from Guadalupe Mountains
2 National Park. I'm still waiting on a map to
3 determine if that is the case, but I'm assured that
4 it is. And I appreciate the Air Force making that
5 modification on the EA.

6 And it goes on to talk about Guadalupe
7 Mountains National Park located in west Texas, but
8 it doesn't say anything about wilderness area, and
9 Guadalupe Mountains National Park has 46,800 acres
10 of congressionally designated wilderness. It does
11 mention that Carlsbad Caverns has some wilderness,
12 but it doesn't mention that Guadalupe has natural
13 wilderness, and I think that's an important
14 component that needs to be addressed in this
15 document.

16 And I would like to clarify where in
17 relation to Guadalupe Mountains aircraft are going
18 to be flying, and in relation to Carlsbad Caverns as
19 two of the, you know, closest national parks in this
20 area. Visitors to national parks visit national
21 parks for natural quiet and solitude, particularly
22 visiting national parks that have been designated
23 wilderness, and while in those parks and wilderness
24 areas they expect it to be quiet, and a single event
25 aircraft flying not even overhead but nearby will

1 disturb that natural quiet and solitude that
2 congress decided to designate these areas to have
3 that quality. Even if the aircraft is not flying
4 directly overhead but maybe adjacent -- and I don't
5 know right now how close these training grounds are
6 to the national park. You know, is one boundary of
7 the training ground right on our boundary? Is it a
8 mile away, is it two miles away? That hasn't been
9 determined yet. So if an aircraft is even a mile
10 away from the national park, it's going to impact
11 visitors that are camping or just visiting the
12 national park in those areas. So that should be
13 addressed in this document.

14 Also, our wildlife in the national park,
15 they don't stay right on the boundaries. You know,
16 when they fly away from the national park,
17 particularly raptors, they get to the park boundary,
18 well, they're not just going to stop going to
19 continue on. Well, are they going to continue on
20 and get into the military training route? Maybe,
21 and that has not been addressed in this document.
22 We do have peregrine falcons, we do have spotted
23 owls, we do have some other species of concern. I
24 know the U.S. Fish and Wildlife Service is in
25 consultation with the U.S. Air Force on this

1 document, and I'm sure that they're going to insist
2 on this document to address those issues before
3 they're going to stamp their approval on it. I know
4 that the EA has a statement that they're going to
5 wait for the Fish and Wildlife Service to make some
6 determination before they implement that, and it may
7 impact the environmental assessment for the modified
8 airspace routes, and it may impact the environment
9 assessment, or the environmental impact statement
10 here, also.
11 So the national park service does have, I
12 have some valid concerns on this environmental
13 impact statement and on the final environment
14 assessment on modified airspace in this area.

Thank you for your time.

16 JUDGE HUELPEL: Thank you. William
17 Morrell would be the next speaker.

18 MR. MORRELL: This is a written copy of my
19 comments, if you'd like it.

20 JUDGE HUELPEL: Thank you.

21 MR. MORRELL: Also, you may not be able to
22 tolerate well with the Yankee slang, so there it
23 is.

24 Good evening. Thank you for this
25 opportunity to express my opinion, my technical

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1 conclusions. My name is Bill Morrell. I'm a
2 retiree that lives about three miles north of here.
3 I've concluded that their acoustical data on this
4 report is very optimistic. I've concluded that
5 you'll be in violation of the OSHA regulations, even
6 though you state that you will not.

7 Technically I have in past lives served as
8 a project engineer and a program manager for
9 reducing radiated noise from submarines, and also
10 I've served as a test engineer, program manager and
11 whatever else on certification of sonar systems and
12 other acoustical measuring devices, again, in the
13 area of nuclear submarines.

14 Now, what I have to say, unfortunately, is
15 pretty boring and complex. My wife made me take all
16 the jokes out of it, so I apologize for the
17 dryness. But I'd like to go over the points, if you
18 don't mind. First of all, on the OSHA requirements,
19 there are requirements for when ear protection is
20 needed, and both your preceding documents, which was
21 the one that this was based around, but the two
22 parallel each other, the preceding document stated
23 that the closest you'd ever come is 114db, one less
24 than 115db, which is the threshold of where hearing
25 protection would be needed for any exposure of over

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1 15 minutes. And, unfortunately, you didn't read all
2 of the fine print in the OSHA regulation. If you go
3 to section -- and it's written down there in the
4 second comment. You go to section 1910.95J3, it
5 seems to lower that requirement by 5db, and, again,
6 seems, it would be a lawyer interpretation. It's
7 not written simply. So you had a cushion there of
8 seemingly 1db. That level for 15 minutes, of
9 course, is a big cushion for you, but I feel you're
10 going to feel fire over that, and you're going to
11 have hearing protection required on occasion for
12 Mr. Jones and Mr. Duggar.
13 Now, on page S-5 of the preceding
14 document, the one for the first beddown, you say
15 inadvertent overflights by PA-200s on MTR -- I guess
16 that's military training mission or such -- would
17 generate single sound exposure levels up to 112db at
18 100 feet above ground level. Now, based on that
19 statement plus your past track record, there are
20 going to be inadvertent overflights, low flights,
21 like that. The last year I heard a rancher say he
22 could see a pilot in the cockpit, and he went down
23 and went through a lot of gullies and bushes and so
24 forth, so it's going to occur on an F-4 on B-1.
25 Then we're talking about 100db, and one document of

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1 your documents says 125 and 130. In general, I
2 think you're horribly optimistic in the worst case,
3 which is not at all unusual.
4 And another fact to be considered was the
5 El Paso newspaper yesterday, I believe, said that it
6 was talking about flights out of Kirtland Air Force
7 base and the Indians were describing it as an
8 ear-piercing level. That's what has been my
9 experience, personally, and I don't see that this is
10 going to be any different.
11 Next, your sound level calculations. You
12 consider atmospheric absorption, which is going to
13 reduce the level, and consider other things that
14 will reduce the level, but nothing that will amplify
15 it. It's just one-sided. For instance, cold air
16 focusing of the acoustical energy. I can sit out in
17 front of my place morning and night and there'll be
18 irrigation pumps. Sometimes I'll hear them, then
19 they'll fade on out as the cold air moves around a
20 bit, and then they'll come back in. They go from
21 not being heard, that is less than 0db up to low
22 conversational levels, probably about 40db, although
23 I say the shift there is only -- I say 30db plus.
24 The point is, when that plane goes over if
25 there's cold air around, you know, cold air slows

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1 down the sound rays and forces them down. In cold
2 air that noise level is going to be drastically
3 increased; you make no provision for it in your
4 Pollyanna study.

5 Now, a reflex of sounds off mountains.
6 Look at the Guadalupe Mountains out there, how steep
7 they are. You're going to go screaming by there and
8 I don't know how far -- close to the salt flats
9 level. You're going to have acoustical energy
10 bouncing off that mountain down into the ranchers by
11 there. To a lesser extent it's going to happen I
12 think in Mile High and Sacramento Mountains and
13 such. And just another statement here, that based
14 on what the ranchers have said in the past, you
15 certainly are going to be violating the OSHA
16 regulations.

17 Now, in the last hearing a couple -- here
18 a couple of weeks ago I asked -- I more or less
19 stated that the noise readings didn't look right to
20 me, and I got a rather lengthy lecture on the
21 inverse square. In college I slept through a lot of
22 those lectures, but I got a good one that night, and
23 also a lecture on management indicators. We
24 discussed them so much that I needed upper
25 gastrointestinal relief. But when I look into it,

1 one fact I did get out of that guy. The Colonel did
2 give me one specific fact. He said, in essence, we
3 adhere to the inverse square law. If you double the
4 distance we reduce the level by 3db. So I look at
5 the tables. Lo and behold, you never reduced the
6 level by less than 6db. Sometimes you reduce it by
7 13db. I mean, there's probably a technical
8 rationale, high frequency, or it's affected by the
9 air or whatever, but that much doesn't make sense,
10 and it's certainly different than what you fed me at
11 the meeting before.

12 Now, the -- what Bobby Jones mentioned
13 before about that one event, and your averaging it
14 out over a day. The Air Force -- incidentally,
15 Molly Syler -- she's not here tonight -- a pilot and
16 retired math teacher, mentioned that some of the
17 calculations, the one that Bobby mentioned is akin
18 to taking a guy, putting one hand in a bucket of
19 boiling water, the other hand in a bucket of dry
20 ice. Now, one hand is at 212 degrees, the other is
21 at minus 12 degrees; it averages out at 98.6.
22 Everything's fine. That's how they do their 24-hour
23 day calculations.

24 To be a little more specific, by their
25 methodology you can have an F-4 screaming by off the

1 deck at maybe 135db. For the other 23 hours and 56
2 minutes of the day, you've got mockingbirds and
3 coyotes at about 40db. You average it out, and that
4 135db is masked. It's gone. You're coming up with
5 something like 50db, a very harmless figure. So,
6 anyway, that's how that methodology works. Try it
7 on a policeman if he stops you for speeding. It
8 doesn't work.

9 Okay. Now, the proposed low flies are in
10 violation of Executive Order 12088, Federal
11 Compliance with Pollution Control Standards. The
12 finding of no significant environmental impact that
13 we heard a few weeks ago should be rescinded, and
14 then you've got me if you want any more from me.

15 JUDGE HUELPEL: Before you go I'd like to
16 try to clarify something for the record. When you
17 were talking about the prior document and when you
18 were talking here about the hearing last week, are
19 you talking about the environment assessment that
20 was being done?

21 MR. MORRELL: Yes. I think last week,
22 whatever it is, we had a final environmental
23 assessment. Right.

24 JUDGE HUELPEL: I just wanted to make sure
25 on the record what you were talking about was the

1 environment assessment.

2 MR. MORRELL: Right. The two documents do
3 parallel each other although, for instance, in OSHA
4 your document doesn't give quite as good specifics
5 as the other. But to me they're both applicable,
6 even though on occasions in the tables you find the
7 5db difference.

8 JUDGE HUELPEL: Okay. Thank you very
9 much, sir, and both your oral and your written
10 statements will be a part of the record and will be
11 addressed.

12 MR. MORRELL: Thank you, Colonel.

13 JUDGE HUELPEL: Well, the last card I have
14 is James Lynch.

15 MR. LYNCH: Thank you. I'd like to record
16 an objection to the program that you're about to
17 undertake to bringing in of the extra 30 aircraft,
18 and also request that you cancel the existing 14.

19 If that is not possible, or if that is not what you
20 will do, then I would request that you consider some
21 type of compensation to those of us landowners that
22 are going to be severely impacted by these
23 overflights. We have considerable land that will be
24 overflown by your aircraft that's going to reduce
25 the value, we feel.

DC-16

DC-17

1 It's going to curtail our farming and
2 ranching operations, and perhaps you could work out
3 a plan like the oil companies bring in. They often
4 lease our land for five years or 10-year periods for
5 a nominal rent per acre. The movie people do the
6 same thing. They come in and use your land for a
7 period of time, they pay you an agreed amount. Same
8 thing with the professional photographers and
9 artists. All of them pay their way, and this is
10 probably the only undertaking that the U.S. Air
11 Force is undertaking where you're not willing to pay
12 your way, and we'd like you to consider that to give
13 us some type of compensation for the imposition that
14 you're going to -- about to impose on all of us.

Thank you.

JUDGE HUELPEL: Thank you, sir. Now,
that's all the cards that I have. Did anybody turn
in a card whose name I didn't call?

Okay. Well, let me ask one last thing:
Is there anybody who didn't turn in a card who now
would like to get up and make a comment?

Okay, sir. If you'd come on up and if you
would state your name, please.

MR. PERRY: My name is Leroy Perry. I am
an owner of patented lands of the Otero patent just

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1 across the state line in New Mexico, which is
2 directly under this program. I believe this land
3 has certain underground and certain mineral and
4 surface -- and I'm not aware of the aerial rights,
5 if any, that I'm not aware of.

PC-18

6 I also own a drilling rig which is moved
7 about the valley here on short notice; the derrick
8 is approximately six-something feet high. And it's
9 been my witness up at the Hermadeen place, with the
10 topography of the land -- a 135 came flying down the
11 canyon with absolutely no noise, came by that rig
12 and at about three wing lengths from this machine I
13 was looking on level with the cockpit. Undoubtedly,
14 gentlemen, this is hazardous to mine and your
15 materials. In a few minutes here come two fighters
16 chasing this plane, I presume. He came and he
17 turned over the Louis Ranch and went up to B-135,
18 turned up Cornucopia at a distance of approximately
19 five miles we had no trouble whatsoever hearing his
20 afterburners that he turned up great, still below
21 eye level across this terrain.

Now, gentlemen, we don't know what to
expect from the military. I have reason to believe
and to doubt some of their procedures. On military
records, that hand is a stiff index finger. It's

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1 not stiff, it's paralyzed. And a few other
2 incidents which also involved Trinity Site, of which
3 I am also, I believe, but not proven, a victim. I
4 have physical features which very parallel to 39
5 head of cattle that were sent back to Elk Ridge. My
6 nephew knelt in the nuclear debris at Trinity Site
7 just very shortly after. I have operated drilling
8 machinery that went through the sand at Trinity Site
9 a day and a half after the explosion by orders of
10 the U.S. Government. Gentlemen, we doubt sometimes
11 the message that's given to us, classified and
12 unclassified.

13 I thank you, sir, but we are
14 apprehensive.

15 JUDGE HUELPEL: Thank you, sir. Is there
16 anybody else who has not spoken?

17 MR. DUGGAR: I want to speak and say one
18 more thing.

19 JUDGE HUELPEL: Okay, sir. If you would
20 just remind me of your name.

21 MR. DUGGAR: I'm Greg Duggar.

22 JUDGE HUELPEL: Thank you, sir.

23 MR. DUGGAR: And, again, I challenge all
24 of you people from the military to visit our ranch
25 homes in this desert, more in particular

1 Mr. Jones or myself. And have an overfly at 100
2 feet, and let's record it and let's play it in a
3 building such as this and let you be the judge if we
4 have lost property value.

5 Thank you.

6 JUDGE HUELPEL: Thank you, sir. Now, is
7 there anybody else who has not spoken who would like
8 to speak?

9 Well, I do appreciate your comments. They
10 are a matter of the record. They will be addressed,
11 and I appreciate your involvement in the process
12 tonight because, as Mr. Johnson indicated, the whole
13 thing is to try to make a better decision, and I
14 understand what way most of you would like the
15 decision to be, but if somebody wasn't speaking for
16 your part, then the decision-maker wouldn't know
17 your position.

18 So I do appreciate the input that you have
19 given, and if you or your neighbors would like to
20 make further input, you have on those written
21 comment sheets or you can take some with you, the
22 address to where they need to be sent to, and
23 they're I believe also on the fax sheet. As long as
24 they're received by the 4th of August, they'll be
25 addressed in the final EIS. I've got about 8:00

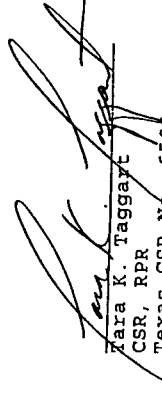
1 now. I want to thank you all very much, and please
2 have a good evening.

3 (The hearing concluded at 8:00 p.m.)
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CERTIFICATE

3 I, Tara K. Taggart, Registered Professional
4 Reporter and Certified Shorthand Reporter of the
5 State of Texas, do hereby certify that the above and
6 foregoing contains a true and correct transcription
7 of the proceedings of the Environmental Impact
8 Statement.
9

10 Certified to on July 16, 1997.
11
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Tara K. Taggart
CSR, RPR
Texas CSR No. 6594
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Draft Environmental Impact Statement
Expansion of German Air Force Operations at
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7/8/97

Comments on the Noise Analysis in the AF Final Environmental Assessment (6/9/97) for additional German AF training flights

Subject document states (page 4-9):

"OSHA has established permissible noise exposure levels (29CFR 1910.95) that establish thresholds in sound levels and duration of exposure at which hearing protection is required. Exposure below those levels are considered permissible. The cumulative amount of time per day that a person can be exposed to a noise level of 115dBA without hearing protection is 15 minutes. For comparison, the highest sound exposure a person could experience under the proposed action is 114dBA, for about 1-2 seconds...."

This statement appears incomplete and erroneous because:

1. The OSHA regulation cited above has additional requirements (section 1910.95(j)(3)) that seem to lower the hearing protection required threshold by 5dB for people with hearing degradation. Approximately 70% of the men in the Dell Valley older than 40 have hearing degradation. Accordingly, often the OSHA requirement appears to be 110dB, not 115dB and the 114dBA level would seem to be in the hearing protection required for each exposure.

2. Page S-5 of the Subject Document states:

"Inadvertent overflights by PA-200s on MTR would generate single sound exposures levels of up to 112dB at 100 feet AGL."

Based on past performance there will be "inadvertent overflights" and when it's by an F-4 or a B-1, the sound level will be in the 130 dB range. (The AF documentation is inconsistent, one says 125db, another says 130 dB for an F-4 at 100 feet AGL.) That's in the ear piercing range like what the Indians North of Kirtland AFB are complaining about (per the 7/7/97 edition of the El Paso Times).

"These 'inadvertent overflight' will occur and will violate the OSHA requirements.

3. The AF sound level calculations consider atmospheric absorption (attenuation) of sound, but do not consider:

A. Cold air focusing of the sound. But in the Dell Valley cold air pockets can make a 30+dB difference in the sound level of irrigation pumps 2500 feet away.

B. Reflection of sound off mountains. Low flights just west of

the Guadalupe Mountains could have drastically amplified sound levels because of the near vertical sides of the mountains reflecting noise. This could also be significant near other mountains in the area.

4. Statements by ranchers clearly shows that the OSHA hearing protection requirements have previously been violated many times. The above technical analysis indicates there will be frequent violation of the OSHA requirements.

At the June 23, 1997 EIS hearing at Dell City the USAF spokesman said that the AF noise calculations were in accordance with the inverse square law for energy propagation. He specifically stated there was a 3dB reduction when distance was doubled. A review of the data shows that statement is wrong. From 6 up to 13dB reductions were made when distance doubled. That's not flying straight.

The AF noise calculations appear to be optimistic, there are no worst case calculations. When I worked for the USAF, engineering analysis always included worst case calculations.

The AF noise calculation methodology averages noise over a 24 hour period. By the AF methodology an F-4 can scream along just off the deck at 135dB, then it's noise level is averaged in with 23 hours and 59 minutes of mocking birds singing and coyotes howling at 40dB. The reported level would be about 50 dB, a large misrepresentation. The methodology was developed for airports and neighborhoods with many flights. As used in the report, it completely masks occasional intolerably loud noise.

The proposed low level flights are in violation of Executive Order 12088, Federal Compliance with Pollution Control Standards. The finding of no significant environmental impact should be rescinded. If there are any questions, I can be contacted by Tel. at (915) 964-2487, Email:dmort94028@aol.com, or PO Box 215, Dell City TX. 79837.

W. H. Morrell

DC-19

Livingston Ranch 97.0707 KCC Dell City

Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico

WRITTEN COMMENT SHEET

Thank you for your input.

PLEASE PRINT

DATE: 7-8-97

Thank you for allowing to Dell City Community Bldg. To visit with us. We have 1400 acres 16 miles north of Dell City in Socorro Co. I am 71 years old and have spent the last 30 years developing a world class horse & quarter horse training operation. My place has been appraised at 1/2 million dollars. Is you start the Germans operation I believe our property value to drop to 20%.

I have you ever wanted a jumping belt with an airplane over your head w/ all stars wide open. Well today I had 120 coits in a rock per quing then their paths & Walter Training when your regular slight places cause you don't even want to hear the rest of story I want by getting the path and getting off the ground

Our Country was originally named Genaga which means ^{water} under ground water. After Dell City got through pumping on it we have a hollow ground which creates large sinkholes. I believe the noise of these planes will create more sink holes and rock slides. We are very against it. If you want to pay me \$50000 for my place then you can do what you want to with it. We have put up with what slight for the last 50 years. Because you were training out here. I have no use for the Germans. As far as I am concerned I have no use for them in our World War II

NAME: Stringer Ranch
ADDRESS: P.O. Box 598
CITY: Dell City
STATE/ZIP CODE: Texas 79837

Please check if you would like to receive a copy of the Final Environmental Impact Statement. ()

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HQ ACC/CEVA

ATTN: MS. SHERYL PARKER

LANGLEY AIR FORCE BASE, VA 23065-2769

SECTION 3.0

**TRUTH OR CONSEQUENCES, NEW MEXICO
PUBLIC HEARING TRANSCRIPT**

JULY 9, 1997

PUBLIC HEARING

ON THE DRAFT EIS FOR THE

PROPOSED EXPANSION OF GERMAN AIRM FORCE OPERATIONS

AT HOLLOMAN AIR FORCE BASE

HELD ON

JULY 9, 1997

AT

TRUTH OR CONSEQUENCES ACTIVITY CENTER

400 WEST FOURTH

TRUTH OR CONSEQUENCES, NEW MEXICO

6:00 P.M.

AT THE HEAD TABLE:

COL. JIM HEUPEL, USAF

LT. COL. DON HARGARTEN, USAF

SHERYL PARKER

BOB JOHNSON

1 JUDGE HEUPEL: Ladies and gentlemen, I
 2 want to thank you for coming out tonight. This is the
 3 public hearing on the draft environmental impact
 4 statement, or we will refer to it throughout the
 5 evening as the draft EIS for the proposed expansion of
 6 German Air Force operations at Holloman Air Force
 7 Base.

8 I am Colonel Jim Heupel.

9 Before any discussion to expand the current German
 10 Air Force presence at Holloman can be made, the Air
 11 Force must do a complete analysis of the environmental
 12 issues involved with this action. The National
 13 Environmental Policy Act's implementing regulations
 14 require the Air Force to document this analysis in an
 15 environmental impact statement before the Secretary of
 16 the Air Force makes any decision.

17 Part of the process involves receiving public
 18 comment on the draft EIS, which was written over the
 19 past year following scoping meetings last summer. At
 20 the scoping meetings, the public was asked by the Air
 21 Force for input on the scope or the range of issues
 22 that should be studied in this EIS. This part of the
 23 process enabled the Air Force to learn about any
 24 issues involving the expansion of the German Air Force
 25 at Holloman that were not previously identified. The

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1 relevant comments gathered during the scoping are
 2 included in the environmental analysis. This analysis
 3 is contained in the draft EIS, the contents of which
 4 are the subject of tonight's hearing.

5 Now, the draft EIS had been distributed for public
 6 review and comment based upon input received during
 7 the 45-day comment period, additional analysis will be
 8 evaluated and/or performed, and changes will be made
 9 to the EIS as necessary.

10 If you have not had an opportunity to read the
 11 draft EIS before tonight's meeting, you are encouraged
 12 to do so as soon as possible.

13 Now, there are fact sheets with a listing of the
 14 document locations over at the sign-in table. They
 15 are holding those up. Actually, there's a total of
 16 seven different fact sheets. They consist of 14
 17 pages. And I am making these an exhibit to the final
 18 environmental impact statement, because anything that
 19 is handed out to you tonight--whether it be these
 20 sheets, or whether it be the display boards that you
 21 had an opportunity to look at and which have been
 22 reduced to legal size sheets of paper, these also will
 23 be made a part of the final EIS. Everything that is
 24 presented to you by the Air Force tonight will be in
 25 final environmental impact statement.

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1 And there is a copy of the draft environmental
2 impact statement at the Truth or Consequences Public
3 Library, as well as in Las Cruces, and some of the
4 other surrounding areas.

5 Going back to these fact sheets, there is a
6 summary of the draft EIS contained in these documents,
7 particularly a summary of the potential environmental
8 impacts. And then, the speakers tonight in the first
9 portion will also be addressing those, particularly
10 for those people who have not had an opportunity to go
11 through the draft EIS.

12 So these are the two goals tonight for this
13 hearing. The first is to provide you information
14 about the analyses of the potential impacts to the
15 environment resulting from the Air Force proposal.
16 And the second part is to receive your comments on the
17 analyses. This will help the Air Force address all the
18 concerns about the proposed actions, because comments
19 received during this comment period, which actually
20 started on the 20th of June and runs to the 4th of
21 August, will be responded to in the final
22 environmental impact statement. Tonight's hearing is
23 the third of six to be held in various communities in
24 New Mexico and Texas.

25 Now, before introducing members of the panel, I

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1 would like to explain my role in this hearing. I am
2 the chief trial judge for the Air Force, so I
3 primarily preside over criminal cases. I am not
4 involved with this draft environmental impact
5 statement. I am not an expert on it, and I am not
6 here to advise the Air Force representatives who are
7 going to be addressing the proposed action. My
8 purpose is to ensure that we have a fair, orderly
9 hearing, and that everybody who wishes to be heard has
10 an opportunity to speak.

11 Now, let me introduce the other members of the
12 panel. To my immediate right, Mr. Bob Johnson who is
13 from the Holloman Air Force Base environmental
14 office. To his right is Ms. Sheryl Parker, who is
15 from the environmental office at Air Combat Command's
16 Environmental Office headquartered at Langley Air
17 Force Base, Virginia. And to her right is Colonel Don
18 Hargarten, who is the Assistant Deputy Commander for
19 the 49th Operations Group at Holloman Air Force Base.

20 We also have Mr. Mike Porter to my left, who is a
21 court reporter who is taking down word for word
22 everything that is said tonight so that it will all be
23 a part of the final impact statement, both what we
24 present to you and your comments for the record.

25 Now, to give you an idea of the schedule. In just

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1 a moment, Mr. Johnson will spend a few minutes to
 2 provide a short summary on the environmental process,
 3 and what you can do to provide input as to what goes
 4 into the final impact statement. Then, Colonel
 5 Hargarten will present information on the proposal and
 6 the three options the Air Force is looking at in order
 7 to facilitate increased German Air Force operations at
 8 Holloman. After that, Ms. Parker will review the
 9 analysis of potential impacts to the environment from
 10 the proposed actions and training option locations.

11 Now, following the presentations, I will consider
 12 any clarifying questions over what they just
 13 presented. If there is something that you didn't hear
 14 or you weren't sure about what they presented, I'll
 15 entertain questions to clarify what they presented.

16 After that, we will take about a ten-minute
 17 break. And following that break, we will come back
 18 and have the public comment portion of the hearing.
 19 Now, when we do that, I'll go over the oral comment
 20 procedures. And I do want to point out, because this
 21 hearing is on the environmental analysis from the
 22 draft EIS, we are unable to answer non-environment
 23 types of questions during the meeting, but the Air
 24 Force will make sure your questions are answered or
 25 comments addressed in the final EIS. And if you have

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1 questions that are part of your comments in that
 2 comment period, those will be addressed in the final
 3 EIS document itself.

4 Now, you can comment at this juncture in one of
 5 three ways. Well, actually, you can do it in all
 6 three ways. There is a written comment sheet I am
 7 holding up. You can fill this out here. There are
 8 tables over at the side of the auditorium if you want
 9 to sit down and write out your comments before you
 10 leave and turn them in. That's fine. If you have
 11 something already prepared and you want to turn it in
 12 tonight, that's fine. You can make oral comments
 13 tonight. And the third way is, you can send in
 14 comments, whether it be on this sheet or a number of
 15 pages, sending it in to the address that's at the
 16 bottom of the comment sheet, as long as it's received
 17 at the Langley Air Force Base office by the 4th of
 18 August. The Air Force will address your comments and
 19 issues and questions that you may raise tonight. And
 20 you can do any or all of those. And it doesn't
 21 matter, you know, your comments will be considered the
 22 same, will be given the same weight, whether you make
 23 oral comments tonight or turn in written comments
 24 tonight, or send in your comments later on.

25 Now, when we come back from the break, if we have

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1 any elected officials who are speaking on behalf of
2 this constituency, I will call on them to speak first.
3 I will call on members of the public in random order.

4 I have got a quite a few cards for people who have
5 signed up to speak. If you haven't indicated that you
6 want to speak, I would ask you to fill out a card. If
7 you have already turned in your card, just ask them
8 for your card, tell them you want to speak, and
9 they'll get it to me. That way, I'll be able to call
10 on you.

11 Right now, with the number of people, I am - -
12 basically, I am going to have about a five-minute time
13 frame. At the end of five minutes, I'll just raise my
14 hand and ask you to finish the thought you are on. I
15 am not asking you stop when my hand goes up. Finish
16 the point you are working on and then conclude, so
17 everybody else will have a chance to speak. We may
18 well have other people come in as we go along who also
19 wish to speak.

20 Now, let me call on Mr. Johnson, who will talk
21 about the EIS process, first.

22 MR. JOHNSON: Good evening. Can you
23 hear me?

24 Good evening, my name is Bob Johnson. I work as a
25 National Environmental Policy Act or NEPA Specialist

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1 in the Environmental Flight at Holloman Air Force
2 Base. First, during the next few minutes, I will
3 provide you with some general information about the
4 Act that serves as the basis for these hearings.

5 First, what we intend to accomplish; what's
6 involved in the process; and what your role is in that
7 process. And I will also give you the schedule as it
8 relates to our proposed action that we are
9 evaluating.

10 NEPA, which was enacted in 1969, requires that we,
11 as a federal agency, before we do something, we must
12 first analyze and document the environmental impact of
13 that something before we proceed with our proposed
14 action.

15 The NEPA document is meant to provide a clear,
16 unbiased discussion of any potential environmental
17 impacts relevant to the proposed action and
18 alternatives. This analysis is intended to serve as a
19 clear basis for choice and should avoid lengthy
20 discussions of issues not relevant to the proposed
21 action.

22 This leads me to a key point that is found in the
23 NEPA regulations. And it's found in the purpose
24 section, and I would like to quote it.

25 Ultimately, of course, it's not better

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documents but better decisions that count. NEPA's purpose is not to generate paperwork, even excellent paperwork, but to foster excellent action.

Everything the Air Force has done up until now, and will do with this document, and everything we will do here tonight, points toward the day when the decision maker makes a record of decision. Our responsibility as employees of a Federal agency is to ensure a full and objective environmental impact analysis is performed for all components of this proposed action.

Is the EIS the only factor the decision maker takes into consideration? No, he or she must also consider technical design issues as well as monetary costs. Other factors that could be taken into consideration include values of the local public, as well as input from elected officials.

Once the decision is made, is the Air Force committed to implement the selected action? No. The final action in the NEPA process is the record of decision. And it is just that, a decision. If the decision is made to bed down the additional 30 aircraft and build the needed facilities, other constraints may cancel the proposal. The Air Force

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would not be legally obligated under NEPA to implement the selection action.

In other words, to use a phrase our team has heard a lot related to this and other Air Force proposals, "this is not a done deal." It is far from it, and possibly may never become a done deal. The only decision made thus far is to proceed with the environmental impact analysis. The decision of whether or not to do the something and how to do it won't be made until the analysis is complete, hopefully this December.

I said I would tell you how you can be involved in the process. The judge earlier told you what specific methods can be used to provide your comments. The primary thing you can do is to ensure your comment is relevant to the issues at hand. We are here to receive comments on the draft environmental impact statement. We are looking for feedback on environmental issues you might feel are not adequately addressed or not addressed at all. Perhaps you are a member of the Audubon Society and are aware of endangered species in this region which we failed to analyze in the document. Maybe one portion of a discussion in the document was very confusing to you and you want to offer some suggestions on how we can

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1 make the explanation clearer. These types of comments
2 are helpful to us and will be taken into consideration
3 as we continue our analysis.

4 We won't, however, enter into a debate with anyone
5 about the Air Force's policy on training or issues
6 related to the NATO alliances. If you have questions
7 along these lines, I would refer you to the draft EIS
8 chapters one and two, and also to our fact sheets.

9 These provide the Air Force's reasons for what we are
10 proposing, while fully realizing that not everyone
11 will be in agreement with us. Again, our focus here
12 tonight is the environmental impact of what we are
13 proposing.

14 We don't have to have all input tonight. If you
15 think of something tomorrow or the next day, send us
16 your comments in writing. The comment period will be
17 open until August 4th. The mailing addresses are on
18 the fact sheets that you may have picked up, and also
19 on the comment cards.

20 So where are we at in the NEPA process? Like all
21 proposed actions evaluated under NEPA, there is a
22 schedule or time line that we are doing our best to
23 adhere to. On this slide, you can see the key actions
24 required by the National Environmental Policy Act.

25 Of course, right now, we are in the public hearing

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1 phase, July 7th through 12th.

2 The comment period which started June 20 runs
3 through August 4th. And immediately after that, we
4 will begin incorporating all the comments we have
5 gotten from our meetings concerning the analysis and
6 will start on the final EIS.

7 Our projected publication date for that document
8 will be early November. And we are hoping to have a
9 signed record of decision in early December.

10 I hope that the information I have provided has
11 given you a clear understanding of what NEPA requires,
12 why are we holding these meetings, and what we are
13 trying to accomplish. Again, our goal is to ensure
14 the decision maker makes an excellent decision that
15 leads to excellent action, one that will allow the Air
16 Force to accomplish its mission while protecting the
17 human environment. They go hand in hand.

18 This concludes my portion of our presentation.

19 JUDGE HEUPEL: At this time, Colonel
20 Hargarten will brief you on the proposed action and
21 the alternatives.

22 COLONEL HARGARTEN: Thank you, Judge. I
23 am glad to be here tonight to provide an overview of
24 this proposal to expand the German Air Force's
25 operations at Holloman. Before I get into the

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1 specifics of what the Air Force is proposing to do, I
2 would like to provide a little background on our
3 relationship with Germany since World War II and our
4 nation's current military strategy.

5 Since the 1950s, Germany has demonstrated a
6 commitment to its NATO role. German aircrews have
7 been training in the U.S. in fighter aircraft since
8 1957. They have trained in F-84s, F-104s, F-4s, and
9 PA-200 Tornados. Since 1992, the U.S. has provided
10 German aircrew training in F-4s at Holloman Air Force
11 Base. And I was commander of that squadron for two
12 years. And the U.S.-German partnership was clear to
13 see, as we hosted German Air Force pilots to help
14 ensure our allied German aircrews are trained to the
15 same high standards as the U.S. pilots.

16 This partnership has been especially useful since
17 the end of the cold war, as multinational allied
18 actions became an even more important means of
19 protecting our national security and promoting
20 stability around the world as the Soviet superpower
21 and Communist Bloc in Europe fell; and as the U.S.
22 began to withdraw its forces from Europe. All of
23 these factors have made readiness and training more
24 important than ever before because of a changing
25 international environment, a greater diversity of

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1 threats and risks, and a reduction in U.S. military
2 budgets. This policy is reflected in the current
3 National Military Strategy which emphasizes
4 international training and military exchanges.

5 For this approach to our defense to succeed and
6 for U.S. and Allied forces to be safe, we must provide
7 both U.S. and Allied aircrews with the highest caliber
8 training. Combat readiness requires constant
9 training, and that is another reason behind this
10 proposal. The U.S. and its allies must train the way
11 they intend to fight. Responding to the government's
12 new military strategies and increased risk demands a
13 high degree of proficiency.

14 Increasingly sophisticated weapons require equally
15 sophisticated training. There are three main
16 components in today's aircrew training: Low altitude
17 training, air-to-air training, and air-to-ground
18 training. Proficiency in all three is vital.

19 We want to ensure that people fighting alongside
20 us are just as combat ready as we are. Holloman is
21 well suited for further growth in the German Air Force
22 training mission. In addition to having the
23 infrastructure to support the 12 Tornados already
24 available at Holloman, the base offers available land,
25 air space areas, support facilities, local community

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1 support, and the benefit of being located near the
 2 German Air Force Command Headquarters at Fort Bliss
 3 near El Paso, Texas. These features contributed to
 4 the successful relocation of the 12 Tornado aircraft
 5 and 300 support personnel at Holloman in 1996. Our
 6 proposal helps ensure continued combat readiness,
 7 because it provides realistic training opportunities.

8 But another integral part of our mission is
 9 serving as a good neighbor and good steward of the
 10 environment. That makes it important to us that you
 11 assist in this decision-making process of this
 12 proposal. And any time you have concerns about our
 13 operations or activities, our public affairs phone
 14 number is (505) 475-5406.

15 Community input has already led us to define
 16 avoidance areas or to raise minimum flying attitudes
 17 over and distance from specific sensitive areas. We
 18 also work with the Federal Aviation Administration to
 19 reduce potential impacts to civilian aviation by
 20 providing advanced notice when we are using many air
 21 space areas.

22 In our role as caretakers of the environment, we
 23 believe environmental stewardship is important and can
 24 be accomplished hand in hand with the military
 25 mission. We manage our installations to sustain

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1 diverse environment and monitor the conditions of
 2 natural resources, including air and water quality,
 3 and land condition, to ensure there is little or no
 4 degradation. We work closely with agency such as the
 5 Bureau of Land Management, the U.S. Forest Service and
 6 the U.S. Fish and Wildlife Service to protect and
 7 enhance resources and minimize impacts to sensitive
 8 areas.

9 Now, I'll outline the main components of the
 10 proposal to expand the German Air Force's presence and
 11 establish a German Air Force Replacement Training Unit
 12 at Holloman. The Replacement Training Unit would
 13 function as a school for German Air Force Tornado
 14 aircrews. First, the proposal includes facility
 15 construction and relocating an additional 640
 16 personnel to support training of German aircrews in
 17 the 30 additional Tornados.

18 Second, it includes aircraft training in airspace
 19 throughout the region.

20 And third, in order to meet the needs of the
 21 Tornado aircrews, three training options are
 22 considered within the proposed action: Construction
 23 and operation of a new air-to-ground tactical target
 24 complex at one of two locations on McGregor Range, or
 25 use of existing military training ranges at White

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1 Sands Missile Range and Melrose Range near Clovis, New
2 Mexico, to accommodate training requirements.

3 This beddown of 30 additional Tornado aircraft
4 would require construction of administrative and
5 academic buildings, headquarters and operations
6 buildings, a flight simulator, supply and maintenance
7 facilities, and hangars and dormitories on Holloman
8 Air Force Base. Construction would total over \$100
9 million. All of the construction and relocation
10 expenses would be paid for by the German Air Force.

11 A variety of air space is needed to support the
12 German Air Force Mission. Airspace needs include
13 military training routes for low altitude maneuvers;
14 military operations areas, or large areas of air space
15 where military aircraft practice air-intercept
16 training; and areas restricted to military use. The
17 proposed action would result in an addition of
18 approximately 2,800 additional sorties on military
19 training routes; 3,200 additional air-to-air or
20 dogfight sorties in military operations areas or
21 restricted areas; and 2,600 air-to-ground range
22 sorties per year. Aerial refueling operations would
23 also be performed. These sortie numbers are not
24 cumulative. By that, I mean you can simply not add up
25 all those numbers and arrive at a total number of

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1 sorties that would be flown by additional airplanes. A
2 single sortie may include use of a low-level training
3 route, then performing in-flight refueling, then use
4 of military operations for air-to-air training, and
5 finally delivery of training ordnance on an
6 air-to-ground range.

7 Currently, the majority of tactical air-to-ground
8 training is conducted in White Sands Missile Range.
9 According to national policy, White Sands' mission of
10 research, development, test and evaluation has
11 priority over Holloman's training mission. As a
12 result, it is presently difficult to get adequate time
13 to train in White Sands' airspace. Adding 30 more
14 aircraft at Holloman would only increase the problem.
15 In addition, terrain features at the Red Rio and
16 Oscura target complexes preclude their use for
17 training in certain types of munitions deliveries.

18 We are looking at three options to meet the
19 air-to-ground training requirements of the Tornado
20 aircrews. Two of the options involve construction of
21 a new target complex for air-to-ground training on
22 McGregor Range, which is controlled by the Army's Fort
23 Bliss. One option is a location on western Otero
24 Mesa, and the second option for the new target complex
25 is a location in the Tularosa Basin portion of the

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1 range. If a new target complex were to be built, it
2 would be comprised of a 2 x 4 mile impact area within
3 a 12 x 15 mile safety area. Construction activities
4 would be primarily confined to the 2 x 4 mile impact
5 area. No live ordnance would be used on the new
6 target complex.

7 Although not operationally desirable, the third
8 option is to use only existing ranges in New Mexico to
9 support the additional aircraft. These would include
10 Red Rio and Oscura on White Sands Missile Range west
11 of Carrizozo, New Mexico, and Melrose Range near
12 Clovis, New Mexico.

13 These training options differ only with respect to
14 utilization of airspace and ranges. Aircraft would
15 access either of the new target complex options or the
16 existing ranges using military training routes.

17 Now, we will review a few slides to show you where
18 some of these ranges and where some of the low levels
19 are located.

20 On this slide here, Holloman Air Force Base is
21 located in the middle here where the red dots are.
22 The blue area just to the west is White Sands Missile
23 Range. Just to the southeast is McGregor Range, the
24 MOA, or military operations area. The green one is
25 McGregor, and the yellow is the Talon MOA, and this

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1 piece is Oscura up here in blue.

2 As I said, there would be 2,300 sorties flown,
3 primarily in the White Sands Missile Range, McGregor,
4 Talon, and some sorties to the Pecos. We are will not
5 be using the Valentine MOA out here to the east.

6 This is a very busy slide. What it shows color
7 coded are the various low-level routes or military
8 training routes that are in our local Holloman site.
9 In the green circle in the middle here, again you see
10 White Sands Missile Range. The routes on here are as
11 I briefed them previously. The 2,800 sorties will be
12 on these military training routes as shown. Truth or
13 Consequences sits over here. And the closest
14 low-level route is VR-176, which comes by to the east
15 of Truth or Consequences.

16 This slide shows the local air-to-ground ranges we
17 train on in Holloman. Holloman Air Force Base sits
18 down here in the middle. This is a 100-mile circle
19 just to give you a feel for relationship of the
20 different ranges.

21 Red Rio is a tactical range that sits 45 nautical
22 miles to the north of Holloman. A tactical range
23 means it has different tactical targets that the air
24 crew trains on: A simulated airfield complex, an
25 industrial complex, surface-to-air missile sites,

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1 convoys and anti-aircraft artillery site. It does
2 have a single live-drop target on it.

3 There would be no live drops if a new bombing
4 range is built. There would be no live ordnance
5 dropped on that range. It is not a secured range or
6 main range.

7 Just to the south of it is Oscura Range which is
8 35 miles north of the base. It's a conventional
9 range. It has just a few tactical targets, but it has
10 two concentric circles--which is a target with a
11 concentric target around it--where the fighter
12 aircrews can practice. It is manned, and it is a
13 secured range. And it does have safety at that
14 range.

15 On McGregor Range, there is a class C target.
16 What that means is a single target on the ground with
17 concentric targets, and it is not scored. And it's
18 not marked. 145 miles to the northeast is Melrose
19 Range, which is near Cannon Air Force Base. It's both
20 a conventional range and a tactical range.

21 Dona Ana Range is located to the southwest. That
22 is not presently used by the Air Force. The Army uses
23 that for the live artillery firing and some of their
24 maneuvering exercises.

25 Under the existing range option, the range listed

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1 in red, Melrose, class C McGregor, and Oscura would be
2 used under the existing range option, if a new
3 tactical target was not built.

4 This slide is a slide of McGregor Range showing
5 the two locations, potential locations, for building a
6 new tactical target complex. To orient, Orogrande
7 sits over here to the west. This is County Road 506.
8 Those of you that are familiar with it, that cuts
9 through the range. Just to the north of it is a power
10 line. If you have a chance to read the EIS, it
11 references to "on the mesa," "off the mesa," that is
12 defined by an escarpment that runs along this green
13 line right here and is a several hundred foot
14 elevation change. So this is referred to in the east
15 as being on the mesa, and this is the Tularosa Basin,
16 and is often called off the mesa.

17 What this slide shows is the two potential
18 locations or two of the options. One of them is on
19 the mesa, and this has a 2 x 4 mile area here on the
20 mesa.

21 This is a 2 x 4 mile area on the four mile area in
22 the Tularosa Basin which will have to be restricted to
23 public sportsmen and ranchers 24 hours a day.
24 However, and it - - if you can see it, there is a
25 light red area here that goes out 27,000 feet around

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each of these potential locations. And that's the safety fan. Access would have to be closed to the public when the range was in use; however, on weekends when the range is not being used the public could go inside that safety fan in the hunting season, and ranchers can check on their cattle.

This line represents water pipes that come down here and provide water for the ranchers' use. For one, that goes into this location on the mesa, and that would have to be moved. And Ms. Parker will talk about that shortly.

The other - - these other green lines on the map, what they represent are boundaries for different grazing units. Notice there is grazing up here on the mesa. There is no grazing in this area of the Tularosa Basin. This option on the mesa splits two different grazing units.

The airspace that would be used could include modified military training routes and restructured airspace in southern New Mexico and west Texas. That was contained in a separate proposal by the Air Force and addressed in a final environmental assessment or EA entitled Proposed Air Force Modification to Support Groups at Holloman Air Force Base, New Mexico. That action also involved the establishment of an air

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fueling route. This EA has been approved by the Air Force and is undergoing review by the FAA.

If this airspace modification is not implemented, existing airspace would be used to support the increased Tornado aircraft. These differences in airspace availability and utilization are taken into account in the analysis of the impacts in the EIS that we are addressing - - Ms. Parker will address these impacts shortly.

In addition to the proposed action and its three training options, the EIS includes the no-action alternative, which analyzes the environment without the additional aircraft and air crew relocations, targets, aircraft, construction or change in airspace utilized.

This alternative does include some other actions that have already been adopted, such as the change from F-111 to F-16 aircraft at Cannon Air Force Base.

The proposal to expand German Air Force operations at Holloman is important to our country, because it advances our international and national interests through a strong, well-trained, allied team. The fact that military units are much smaller today requires constant military training, now more than ever before. And central to this proposal and our ongoing

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mission is our responsibility to serve as good neighbors and stewards of the environment.

Thank you for your attention. I appreciate the opportunity to make this presentation to you tonight.

JUDGE HEUPEL: Ms. Parker will now summarize the potential environmental impacts associated with the Air Force proposals and options.

MS. PARKER: Thank you, Colonel

Heupel. I have to get situated. I am pleased to be here tonight.

This draft EIS describes the environmental impacts associated with the implementation of the proposed action, which is to relocate 30 more German aircraft and associated personnel and support facilities to Holloman, as well as the three training options that are part of the proposed action.

As Colonel Hargarten mentioned, there are three main components of our proposal: Construction at Holloman to support the additional aircraft, personnel and programmatic needs; training throughout the region; and three training options to meet the air-to-ground training requirements.

We looked at three options to satisfy the need for increased air-to-ground training. Two of these options involve new construction on McGregor Range,

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and the third option would increase use of existing ranges.

We also looked at the use of airspace in the region. As Colonel Hargarten mentioned, the Air Force has requested that the Federal Aviation Administration approve modifications to military training routes in New Mexico and southwest Texas and the Talon military operations area in New Mexico. The draft EIS examines the environmental effects of the proposed actions both with and without this modified airspace. Also, as mentioned previously, we examined the no-action alternative, which considers not implementing the proposal and thus results in no change or impact to any of the environmental analysis categories.

I'll discuss overall impacts to the environment associated with the implementation of the proposed action, impacts to airspace use and management, environmental impacts of construction of the two new target complex options, as well as the option of using existing ranges. Existing ranges include Oscura and Red Rio on White Sands Missile Range west of Carrizozo, New Mexico, and Melrose Range near Clovis, New Mexico. These three ranges would be used under all three training options, but their use would be considerably higher under the existing range training

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1 option. The existing ranges would be used under all
 2 three training options, but their use would be
 3 considerably higher under the existing range training
 4 option.

5 Before going into the specific impacts, I want to
 6 explain how the impacts of the proposed action were
 7 compared to the environmental conditions without the
 8 proposed actions. First, we described existing
 9 environmental conditions in fiscal year 1995; however,
 10 there are a number of actions that have already been
 11 approved that will occur whether or not the additional
 12 30 Tornados are brought to Holloman. For example, in
 13 1995, 12 Tornados that are now already at Holloman,
 14 had not yet arrived. Also, a squadron of AT-38s at
 15 the base were deactivated just this year, and this was
 16 not included in the conditions that prevailed in
 17 1995. In addition, Cannon Air Force Base is in the
 18 process of changing from F-111 to F-16 aircraft, and
 19 they will be using some of the same airspace that the
 20 Tornados would use.

21 Therefore, to provide a baseline to compare to the
 22 proposed action, we projected the environmental
 23 conditions that would be expected to exist at the time
 24 the additional Tornados would be brought to Holloman.
 25 This projected baseline includes the ongoing actions

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1 that would occur between 1995 and the fall of 1999, or
 2 first quarter of fiscal year 2000, when the 30
 3 Tornados would be bedded down. The draft EIS also
 4 discusses cumulative impacts from the proposed action
 5 in combination with other Department of Defense
 6 actions affecting Holloman Air Force Base and the
 7 airspace and ranges in the region.

8 At any given time, there are a number of potential
 9 actions that could include basing of aircraft, changes
 10 in mission for the aircraft at a particular base, or
 11 new construction at a base that the Air Force may be
 12 discussing or contemplating. Many never make it past
 13 the discussion stage, but some do. It's not always
 14 possible to call them a reasonably foreseeable action
 15 during the early discussion stages. As an example,
 16 development of the new F-422 Raptor aircraft is well
 17 underway, but the basing process is not yet out of the
 18 discussion stage and, therefore, including a
 19 discussion of the possibility of basing an operational
 20 F-422 unit at Holloman Air Force base is not
 21 necessary, because it is not now reasonably
 22 foreseeable.

23 The Air Force is also discussing establishing a
 24 new electronic scoring site for bomber aircraft. And
 25 if a decision were made to pursue this site, it may be

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1 located somewhere in the mountainous west or
2 southwest; but the definitive criteria that's
3 necessary to formulate the discussion into a proposal
4 has not yet been developed. Therefore, its precise
5 location is not reasonably foreseeable, and an
6 analysis is not included in this environmental impact
7 statement.

8 Now, to summarize the findings of the draft EIS in
9 the 13 environmental areas we analyzed in the
10 document. Tonight's briefing is a general overview of
11 the findings in each environmental discipline. And I
12 urge you to refer to the draft EIS for the detailed
13 resource impacts.

14 The first resource area we examined was airspace
15 use and management. Our analysis found that there
16 would be minor impacts to civil aircraft traffic due
17 to increased operations at Holloman. None of the
18 three training options under the proposed action would
19 result in any significant airspace impacts.

20 The noise analysis examined impacts around the
21 Holloman airfield and in the airspace and ranges that
22 would be used. At Holloman and the surrounding area,
23 about 41 acres are currently exposed to day-night
24 average sound levels above 65 decibels or more.
25 Day-night average sound level is a measurement that

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1 averages noise for multiple events, such as a jet
2 taking off or flying overhead over a typical 24-hour
3 period. The measure adds an additional ten decibels
4 to events that take place between the hours of 10:00
5 p.m. and 7:00 a.m., because of an increase in
6 sensitivity at night. By October 1999, this affected
7 area would increase to about 42 acres due to other
8 ongoing projects. Implementation of the proposed
9 action would further increase this to about 47 acres,
10 a change of about 12 percent.

11 For either the West Otero Mesa or Tularosa Basin
12 training option, sound levels under most affected
13 airspace away from Holloman would remain essentially
14 constant or increase by a few decibels. In no case
15 would average sound levels increase by more than six
16 decibels.

17 Under the "existing range" training option, sound
18 levels under affected airspace would increase
19 negligibly at most locations, or even decrease in some
20 instances. But in some instances, such as under the
21 Pecos Military Operations area near Fort Sumner, sound
22 levels would increase by as much as 13 decibels from
23 their existing levels of about 45 to 46 day-night
24 average sound level to about 57 to 59 decibels.

25 Except at the air-to-ground ranges themselves, none of

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1 the airspace area, military operation areas and
2 training routes would have average noise levels above
3 65 decibels under any of the options.

4 The actual sound generated by an overflight
5 depends on its altitude and speed as well as other
6 factors. As an example, the maximum sound level on
7 the ground directly under a Tornado that's flying at
8 100 feet ranges from 117 to 124 decibels at 500 feet
9 away, which is, by regulation, the minimum distance an
10 aircraft can be flown to a person or a structure. A
11 Tornado would generate a maximum sound level of 102 to
12 108 decibels.

13 Increased operations at Holloman Air Force Base
14 would result in increased noise over portions of White
15 Sands National Monument. Other changes in overflights
16 in affected airspace would result in negligible
17 changes in sound levels within most locations, with no
18 significant effect on land use.

19 In some areas east of McGregor Range and southwest
20 of Artesia, particularly where airspace units overlap,
21 there would be a noticeable increase in the number of
22 overflights that could be annoying to residents and
23 outdoor recreationists. Under the existing range
24 training option, areas near places like Capitan
25 Mountains and Sumner Lake would experience higher

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1 overflight increases that could also be annoying to
2 recreationists. However, even with the increases, the
3 total number of overflights would remain low and
4 incidental, with any one location unlikely to be
5 overflowed more than once a day.

6 Construction of a new target complex at McGregor
7 Range would result in a reduction in access to
8 portions of Otero Mesa south of Highway 506 by
9 recreationists, BLM workers, and ranchers. Access
10 for livestock management, for example, would need to
11 be scheduled around times that the complex would be in
12 use, estimated at about 60 hours per week. Livestock
13 grazing could continue, however, even when the complex
14 is being used.

15 If the new target complex were constructed on
16 western Otero Mesa, about 5,200 acres would be removed
17 from grazing. Under the Tularosa Basin option, no
18 land would be removed from grazing, but access to
19 portions of Otero Mesa would still be restricted for
20 people while the target complex is in use. Neither
21 option would affect access along Highway 506 itself.

22 Air quality would not be significantly impacted by
23 the proposed action. There would be temporary
24 increases in air emissions during the construction of
25 facilities at Holloman and if a new tactical target

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1 complex were built, but these emissions would not
 2 result in a significant impact to the air quality
 3 conditions, which include visibility conditions.
 4 Aircraft emissions would also increase but not at
 5 levels enough to affect adherence to national or state
 6 air quality standards.

7 Potential impacts to biological resources from
 8 implementation of the proposed action would include
 9 habitat loss, habitat modification, changes in habitat
 10 use by animals, direct loss of animals, and temporary
 11 disturbance from noise.

12 About 36 acres of vegetation with limited wildlife
 13 value would be disturbed at Holloman Air Force Base
 14 for construction of facilities. In addition, an
 15 existing building that is used by bats as a roost
 16 would be demolished. Burrowing owls that are in the
 17 vicinity of the proposed facilities would be
 18 relocated. There would be no impact to threatened or
 19 endangered species or to wetlands.

20 Other potential impacts would include continued
 21 disturbance of vegetation and habitat at existing
 22 ranges and continued temporary wildlife disturbance
 23 from noise under existing airspace. Aircraft flights
 24 would increase over much of the existing airspace
 25 compared to the baseline, but the increases would be

1 relatively small and result in small increased
 2 potential disturbance to wildlife. Peregrine falcon
 3 and Mexican spotted owl nests would potentially be
 4 overflowed more frequently in the area of the Lincoln
 5 National Forest, Sacramento Mountains and the Gila
 6 Wilderness in New Mexico, as well as the
 7 Apache-Sitgreaves National Forest in Arizona.

8 Southwest willow flycatcher nest habitat along the
 9 Rio Grande and in Arizona may also be overflowed.
 10 Similarly, bald eagle winter concentration areas in
 11 west-central Arizona, the portion of the Rio Grande in
 12 the region around Elephant Butte Reservoir, and
 13 Brantley Lake and Santa Rosa Lake along the Pecos
 14 River, potentially, would be overflowed more frequently
 15 These daily overflight increases would be relatively
 16 small and result in a low impact to protected species.
 17 Consultation has begun and will continue with the U.S.
 18 Fish and Wildlife Service prior to the use of airspace
 19 to implement the proposed action.

20 Impacts associated with construction and use of a
 21 new target complex on West Otero Mesa would result in
 22 a net loss of 500 to 1,040 acres due to construction
 23 of targets, firebreaks, and roads. In addition,
 24 annual redisturbance would occur during ordnance
 25 cleanup and maintenance. Use of inert ordnance and

1 flares would increase the potential for fires within
2 the impact area. Up to 46,000 linear feet of waters
3 of the U.S. may be affected under this option.

4 Loss of this grassland and shrubland vegetation
5 would result in a minor loss of wildlife habitat,
6 including habitat for burrowing owl, aplomado falcon,
7 and black-tailed prairie dog and grama grass cactus
8 habitat.

9 Also, wildlife would probably avoid the new target
10 complex while inert ordnance was being dropped and
11 during cleanup and maintenance because of human
12 presence and noise.

13 Increased aircraft sorties would result in more
14 frequent overflights of wildlife on McGregor Range.
15 For example, wintering bald eagles, nesting raptors
16 such as red-tailed hawks and northern harriers, and
17 bat habitat including potential roosts along the
18 escarpment and feeding areas and watering sources
19 would be more frequently overflowed.

20 Impacts associated with construction and use of a
21 new target complex in the Tularosa Basin would include
22 short term loss of virtually all 5,120 acres within
23 the impact area because of the need to remove existing
24 ordnance before constructing the targets.

25 In addition, an annual redisturbance of about

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1 1,040 acres would occur during the ordnance cleanup
2 and maintenance. Use of inert ordnance and flares
3 would also increase the potential for fires. Under
4 this option, about 33,240 linear feet of waters of the
5 U.S. may be affected by the construction and use of
6 this option.

7 Loss of this grassland and shrubland vegetation
8 would result in a loss of wildlife habitat, including
9 habitat for aplomado falcon and night-blooming cereus.

10 As with the West Otero Mesa option, wildlife would
11 probably avoid the new target complex during dropping
12 of inert ordnance and during cleanup and maintenance
13 because of human presence and noise.

14 Using only existing ranges would result in
15 slightly higher aircraft use of IR-113 and VR-176
16 compared to the no-action alternative. The increased
17 use of the VR-176 would result in an increased
18 potential for overflights of habitat of peregrine
19 falcons, Mexican spotted owls, bald eagles, whooping
20 cranes, and southwest willow flycatchers.

21 Impacts from the proposed action to cultural
22 resources on Holloman Air Force Base under airspace or
23 at existing ranges would be negligible. If a new
24 target complex were constructed on west Otero Mesa, 17
25 sites eligible or potentially eligible for placement

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1 on the National Register of Historic Places could be
2 impacted. If a new target complex were constructed in
3 the Tularosa Basin, 29 sites eligible or potentially
4 eligible for placement on the National Register could
5 be affected.

6 Water resources would not be impacted by the
7 airspace components of the proposed action.
8 Construction of new facilities at Holloman would
9 result in increased runoff, but common engineering
10 practices would be used to prevent any problems
11 resulting from the runoff. Increased use of existing
12 ranges would result in negligible impacts caused by
13 runoff, and there is an increased potential from soil
14 erosion during heavy rain. However, resulting impacts
15 to surface waters would be minimal. Increased soil
16 erosion and sediment transport would result from
17 construction and operation of a target complex in the
18 Tularosa Basin, but the impacts would be negligible.
19 Impacts from the West Otero Mesa option would be
20 similar. In addition, there is a chance that water
21 resource improvements, such as pipelines, water tanks
22 and pump houses, could be damaged by inert ordnance.
23 These improvements would have to be relocated as
24 necessary or repaired to ensure that the availability
25 of water for wildlife and livestock is maintained.

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1 There would be a 12-percent increase, or 13,500
2 pounds, in hazardous and toxic material at Holloman.
3 Hazardous materials and wastes would be accumulated
4 and disposed of in accordance with established
5 procedures and would result in no significant impact
6 on hazardous material and waste management practices.

7 Hazardous materials and waste management are
8 largely unaffected by airspace utilization. Munitions
9 on existing ranges would increase, but Air Force
10 ranges are routinely cleared, annually, of scrap
11 metal, which is disposed of through existing orders
12 and regulations.

13 Under any of the training options, munitions use
14 would generate about 150,000 pounds of nonhazardous
15 scrap metal each year. Again, since clean-up and
16 disposal procedures are in place to handle this waste,
17 there would be no significant impact to the
18 environment or hazard from this activity.

19 The proposed action would result in an increase of
20 640 military personnel at Holloman and generate about
21 110 construction jobs. Annual wages and purchases in
22 Otero County would increase by approximately ten
23 percent to \$18.2 million, with the potential for
24 additional infrastructure improvements. There would
25 be no significant impact to regional socioeconomic

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1 attributes such as employment, construction, police or
 2 fire protection. Cost of construction of a new target
 3 complex on West Otero Mesa is estimated at \$4 million
 4 and the Tularosa Basin option cost is estimated at \$20
 5 million. Airspace utilization has little effect on
 6 socioeconomic conditions.

7 The only transportation impact resulting from the
 8 proposed action would occur from the city of
 9 Alamogordo. Although the proposed action would result
 10 in a relatively small increase in traffic, there would
 11 be an adverse effect on traffic conditions potentially
 12 increasing congestion on the main road going through
 13 Alamogordo.

14 Utility use at Holloman would increase by about 6
 15 to 13 percent under the proposed option, but the
 16 increase would be within existing levels of service.
 17 Alamogordo utility use, water, wastewater treatment,
 18 waste disposal and electric and natural gas supply
 19 would increase from 3 to 6 percent. There would be no
 20 impacts on utilities from changes in airspace or from
 21 the range use.

22 If a new tactical target complex were built on
 23 West Otero Mesa, a portion of existing water lines and
 24 a stock tank may need to be relocated. The other
 25 training options would have no effects on utilities.

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1 Construction at Holloman Air Force Base and Red
 2 Rio and Oscura impact areas at White Sands Missile
 3 Range could affect soils, but because of the present
 4 conditions in these areas, the impact would be minor.

5 Increased live munition drops at Red Rio could
 6 increase vegetation loss and a potential for soil
 7 erosion. While increased use of live ordnance at Red
 8 Rio could result in increased contamination from
 9 uncombusted explosives, past use has been found to
 10 have caused negligible soil contamination.

11 If the Tularosa Basin new target complex were
 12 constructed, virtually 100 percent of the 5,120-acre
 13 impact area would be heavily impacted; that is, all
 14 vegetation would be removed in order to clean up
 15 existing unexploded ordnance.

16 If the West Otero Mesa target complex were
 17 constructed, only 20 percent, or about 1,000 acres of
 18 the vegetation would be removed. Soil conditions
 19 would be unaffected by airspace utilization.

20 Safety impacts resulting from facilities
 21 construction would be negligible. There would be a
 22 minor increase in risk of aircraft mishap and
 23 bird-aircraft strike if the proposed action is
 24 implemented. Although munitions use and handling
 25 would increase over current conditions, range

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operating procedures are already in place to ensure safe operation, so no significant impact is expected under any of the training options. There is a potential for increased fire risk if one of the new target complex alternatives is selected.

The effects of this proposed action, along with other actions which have been recently implemented, such as the 12 Tornados that were brought to Holloman last year, and actions which will be implemented in the reasonably foreseeable future, such as the change to F-16s at Cannon Air Force Base, were addressed in the draft EIS's cumulative impact analysis. A comparison was made between the conditions that prevailed for fiscal year 1995 and those projected for fiscal year 2000 under the proposed action. For most resources, no significant cumulative impacts would occur following expansion of the German Air Force operations at Holloman. These resources include airspace management, air quality; archaeological, cultural and historical resources; water resources, hazardous materials and waste management; safety; utilities; transportation; and soils.

In most cases cumulative impacts would be related to increases in aircraft operations and associated noise, which could affect land uses and biological

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resources. Other activities, such as timber harvesting and grazing, could add to habitat impacts, although these impacts would be minor. Other projects in Alamogordo could affect employment and economic activities in the area.

Finally, to summarize, the environmental impact from the proposed action to the most locations are negligible. Areas that are projected to be most affected if the proposed action goes forward are areas near Alamogordo because of increases in employment, population, traffic and aircraft operations at the base; areas near Carrizozo because of an increase in nearby overflights; areas west of Truth or

Consequences, in which threatened and endangered species such as the bald eagle and the Mexican spotted owl could be disturbed by potential increases in overflights; the Fort Sumner area because of potential increases in nearby overflights if there is an increase in the use of the Melrose Range; near Dell City because of increased, nearby overflights; and the Alpine, Marfa, Fort Davis area would experience increased nearby overflights if expansion of the German Air Force operations are approved.

Thank you for your interest your interest and attention.

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JUDGE HEUPEL: At this time, I will entertain any clarifying questions over what the speakers presented. And I am going to start out with one.

I think Ms. Parker just covered it, but, Colonel Hargarten when you were covering the viewgraphs, there was one viewgraphs that shows the different routes. And you were talking about increased flights. You were indicating east of Truth or Consequences. I would like to clarify if it's east of Truth or Consequences or west of Truth or Consequences.

COLONEL HARGARTEN: It would be

VR-176. I must have misspoken. It's west of Truth or Consequences.

JUDGE HEUPEL: What I am going to need for people that have clarifying questions to do, I am going to call on you. I am going to ask you to come down to the microphone so everybody will be able to hear you question. Just say your name and go ahead and ask your question.

Ma'am, I think you had your hand up first. If you would, come on down here.

I have got to have you at the microphone so the court reporter can hear you as well as everybody else.

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MS. LUJAN: The flights are not west or east of Truth or Consequences, they are over Truth or Consequences. We are getting them now all the time over my house.

JUDGE HEUPEL: That's not a clarifying question. I am not going to be able to entertain that.

Sir, you had one? Yes, sir. And if you can, just state your name and go ahead with your question.

MR. HANSON: I am Richard Hanson.

Colonel, with respect to you and the gentlemen that just spoke a moment ago, I have great respect for you and your uniform, but, generally, that flight over Truth or Consequences is right up the Rio Grande River. I know, because I live there. And there is enough supersonic noise and impact to really crack your windows.

JUDGE HEUPEL: Now, wait a minute, this is the time to ask clarifying questions. Do you have a questions?

MR. HANSON: Are the flights going to increase in that low-level combat air training area?

JUDGE HEUPEL: You are talking about up and down the Rio Grande River?

Colonel Hargarten, can you address that?

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COLONEL HARGARTEN: Yes, the VR-176 which runs to the west of Truth or Consequences, the flights or the sorties, if there is a new impact area built, there would be 1,782 sorties a year on VR-176. That's all type of aircraft, not just Tornados. F-16s out of Kirtland and - -

MR. HANSON: Sir, I am not talking about the area west of Truth or Consequences. I am talking about the Rio Grande area which is designated a low-level training area. I want to know, are the flights going to increase there?

COLONEL HARGARTEN: Judge, what I recommend we do is take this comment for analysis in the EIS. What we obviously need is a map with greater detail on it that would show exactly where you are referring to.

Now, I have a map in the car that shows the center line of VR-176. I would be glad to bring it in for the comments section. It does not have the boundary width on it.

MR. HANSON: Colonel, these flights are directly over my house, and they fly less than 500 feet altitude. The exhaust floats over the street. I want to know, Are those flights going to increase?

JUDGE HEUPEL: I don't think we can

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answer the question right now. We don't have a map. That's the problem that we have got, because what he is talking about is the exact parameters of that route. So it's going to have - - it's going to have to be answered, if we can answer it, before we start the comments period by looking at the map he's got. Otherwise, it will need to be answered in the final EIS.

MR. HANSON: Sir, I want an answer, now.

JUDGE HEUPEL: Right now, all I am taking are clarifying questions. Do you have a clarifying questions over the presentation?

MR. THELEWICZ: How many thousand square miles of public and private land are you taking over?

JUDGE HEUPEL: The question is how many thousands of square miles of public and private land are being taken over? Is there any number that is available?

COLONEL HARGARTEN: I guess I can clarify this question in that all the airspace and low levels that are proposed in the EIS are existing airspace with the exception of the discussion on the EA that I covered. All of these low levels, for

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1 example, the low-level that is west of here, I
2 believe, and - - if I ask Mr. Dan King, who is our
3 airspace manager, I believe that's been in effect for
4 a number of years. There is no new airspace
5 involved. There is an increase in activity.

6 MR. KING: You are correct, VR-176 has
7 been in existence for the last 25 years. It has been
8 overflown for that period of time. There is no new
9 airspace that would be utilized as part of this EIS
10 proposal. It's simply increased use of existing
11 airspace.

12 MR. THELEWICZ: I wasn't concerned
13 about airspace. You talked about siting new ranges,
14 taking over grazing lands, public lands. I don't care
15 about the airspace.

16 JUDGE HEUPEL: You are right. It was a
17 2 x 4 square mile area for each of the ranges that are
18 proposed, one or the other.

19 COLONEL HARGARTEN: There are two
20 different options to use the existing ranges and the
21 airspace. You are referring to - - there is already
22 restricted airspace, this now is the ground. The
23 ground is withdrawn public land that is up for
24 withdrawal in 2001. It is public land that is
25 beneath the airspace in McGregor. It's up for

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1 rewithdrawal again, those 5,000 acres you are
2 referring to.

3 MR. THELEWICZ: So that's the number?

4 COLONEL HARGARTEN: Yes, sir.

5 MR. THOMPSON: My name is Joe

6 Thompson. My question is this: The pilots that are
7 involved in this are going to involve at least 42
8 German aircraft, am I correct?

9 What provisions do you have for ESL, English as a
10 second language, programs? How well versed in English
11 are these pilots? In this area, we are going to have
12 both U.S. military and other private pilots. This is
13 something I don't believe you have covered. It's
14 something that's very vital, communication. A person
15 that does not speak English as a native language will
16 not pick up on a hazardous location as quickly as
17 other pilots. Is that something you can address? You
18 spoke to the German replacement unit, can you clarify
19 that?

20 COLONEL HARGARTEN: I can clarify,
21 because I did refer to how much training they have
22 been doing in the United States. All of the pilots
23 accomplish their training in the United States. So
24 when they went through pilot training, they did it in
25 the United States. They had to speak English.

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1 I was commander of the squadron where we trained
 2 pilots for three years, and I have been flying with
 3 the Germans for the last five years. Every one of
 4 them speaks very good English. Once in a while, there
 5 is a phrase that may have to be repeated in a traffic
 6 pattern because of a call sign, because of a little
 7 bit of an accent problem. But as far as understanding
 8 and reading and speaking English, they are good at
 9 it. It's the accent problem sometimes.

10 JUDGE HEUPEL: Mr. Thompson, if you
 11 would, go ahead and address your questions to me, if
 12 you would, please.

13 MR. THOMPSON: Okay, sir. What type of
 14 speed are these aircraft flying, sir? Can you clarify
 15 what the Tornado's supposed to fly on the low-level
 16 route?

17 COLONEL HARGARTEN: They are going
 18 approximately 420 knots to 480 knots, which is about
 19 seven miles a minute to eight nautical miles per
 20 minute.

21 MR. THOMPSON: So then, if we are
 22 talking a two second or three second delay in
 23 translation, we are covering some grounds here that
 24 can get some people killed, am I correct?

25 JUDGE HEUPEL: I am not going to let

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1 him get into that. All we are doing right now are
 2 clarifying questions. You can do that during the
 3 comment period.

4 MR. THOMPSON: The other question I
 5 have is, what about your support personnel relating to
 6 flight control out of Holloman?

7 How many German-speaking flight controllers are
 8 you going to have operating in conjunction with your
 9 American controllers over there?

10 JUDGE HEUPEL: I'll let that question
 11 stand to be addressed in the EIS, but that's getting
 12 considerably beyond the briefing portion that they
 13 have given here. And what I am trying to do is give
 14 some latitude to answer some of the questions there.
 15 But this portion is just to clarify what they have
 16 presented. And you've got every right to make the
 17 point you want to make during the comment period, and
 18 that's what we are going into after the break.

19 Now, we will take about a ten-minute break.

20 MS. WILSON: I have a question.

21 JUDGE HEUPEL: Do you have a clarifying
 22 question? I am sorry. If you'll come up and state
 23 your name.

24 MS. WILSON: My name is Margo Wilson.
 25 I was wondering geographically, if the flights would

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1 go down the west side of the San Mateo Mountains.

2 JUDGE HEUPEL: This is a question - - I
3 think, perhaps, the best thing we can do is try to see
4 if during the break - - if they have got a more
5 detailed map, and they can look at it, we will give
6 you an answer, if it can be answered here tonight.

7 MS. WILSON: I have another question. I
8 wonder if Culp Canyon is also going to be built in?

9 JUDGE HEUPEL: Whether the flights

10 would go over?

11 MS. WILSON: No, I am wondering if
12 there is going to be an installation in Culp Canyon.

13 MS. PARKER: No.

14 MS. WILSON: I have another clarifying
15 question. What is the difference - - what does "no
16 significant impact" mean? Would you clarify that,
17 please? "No significant impact" or "minor impact"?

18 MS. PARKER: That would be defined
19 under the National Environmental Policy Act, and I can
20 give you a verbatim definition before we leave here
21 tonight.

22 MS. WILSON: Thank you.

23 JUDGE HEUPEL: Were there any other
24 clarifying questions that I missed? Let me take this
25 gentleman right here, and then you, ma'am.

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1 MR. VELZY: Colonel, my name is Don
2 Velzy. The question on environmental impact, I smell
3 collusion. For the record, does anybody in this panel
4 or does everybody in this panel understand Border 21,
5 the Border 21 program?

6 JUDGE HEUPEL: I am not going to
7 entertain that, because that's not a clarifying
8 question, sir.

9 Yes, ma'am.

10 MS. GOODING: Joan Gooding. How loud
11 is .65 decibels?

12 JUDGE HEUPEL: How loud is 65
13 decibels?

14 MS. PARKER: There is a chart in the
15 EIS that kind of relates different noises and what
16 those are similar to?

17 JUDGE HEUPEL: Does somebody have a
18 page number we could refer folks to?

19 MS. PARKER: C-5 of the draft EIS has a
20 chart that gives some references to what various
21 decibel levels are.

22 COLONEL HARGARTEN: And right in that
23 area I think it also talks about different aircraft
24 and flight levels.

25 MS. PARKER: It gives you day-to-day

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1 comparisons that everyday persons can compare 65

2 decibels to, levels of activities they do day-to-day--
3 automobiles, air conditioning sounds.

4 JUDGE HEUPEL: It's on page C-5 of the
5 draft EIS if anybody wants to take a look at it during
6 the break.

7 MS. GOODING: Okay, I have another
8 one. What is the U.S. complement military to the
9 proposed German complement military? There's 640
10 German military coming in, so I am wondering how many
11 U.S. Military are on Holloman already?

12 JUDGE HEUPEL: Does anybody know
13 approximately how many?

14 COLONEL HARGARTEN: Just how many Air
15 Force people? It's about 6,000.

16 JUDGE HEUPEL: Approximately 6,000.

17 MS. GOODING: Another one. If these
18 flights go up the Rio Grande toward Elephant Butte Dam
19 or Caballo Dam, what damage will these flights do? I
20 would think the vibrations could create cracks.

21 JUDGE HEUPEL: I'll let you cover that
22 in comments, but at this juncture, we are not even
23 sure whether the flights are going to be going over
24 this. That's what we are indicating we are going to
25 have to address at the break.

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1 MS. GOODING: For a little levity, how
2 do you tell a steer to go to the barn when the flights
3 are going to start? When your flights are going to be
4 in progress, how do you tell a steer to go to the
5 barn?

6 JUDGE HEUPEL: Ma'am, I am sorry, I
7 have got a lot of people that want to give comments
8 tonight. I want to be able to give them time to have
9 comments. So that's not really clarifying.

10 I need to limit these to clarifying questions over
11 the presentation. Yes, sir.

12 MR. RITCH: My name is Bill Ritch, and
13 I live west of T or C. And I would like to ask,
14 Judge, we have flights that come over, low-level, and
15 they are bursting the sound barrier. We have got
16 booms, and it does not concur with the information
17 that the good colonel gave us.

JUDGE HEUPEL: Okay, thank you.

18 MS. RIVERA: Diane Rivera. At the last
19 meeting, I complained about the sound barrier, about
20 these airplanes going real close to my house. And I
21 told them where it was. They said it would stop. And
22 it did for awhile. They are back again. They are
23 making more noise, sonic booms.

JUDGE HEUPEL: Do you have a clarifying

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1 question?

2 MS. RIVERA: The clarifying question
3 is, is my house part of the area - - where are these
4 airplanes supposed to fly, over the corner of Nickel
5 and - -

6 JUDGE HEUPEL: That's not something we
7 can't answer at this point. You can raise the issue
8 you want to raise during the comments, but that's not
9 a clarifying question that we can cover right here, I
10 am sorry.

11 MR. GOODING: My name is Ralph Gooding,
12 and I need something clarified. I don't know if it
13 has to do with this problem here or not. But on the
14 environment sensitive, environmental endangered
15 species and things of that nature, why is the
16 government saying "it's okay", or "little damage,"
17 when other agencies or whatnot would get hammered for
18 it. And I was curious as to why is that?

19 MS. PARKER: When I give - - when I
20 reported on what is in the document, I stated we are
21 in consultation right now with U.S. Fish and Wildlife
22 Service. It will be the U.S. Fish and Wildlife
23 Service that dictates to us what is acceptable and
24 what is not acceptable in regards to activities over
25 these sensitive sites.

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1 So what I am reporting to you is the potential.
2 Thank you.

3 JUDGE HEUPEL: I am going to close this
4 portion, because the questions really aren't
5 specifically clarifying what the people have
6 presented.

7 Let me go through with you, because we did have
8 some people come in that were not here earlier. I am
9 going to call people to speak based upon the cards.
10 If you did not check that you wanted to speak and you
11 decide you want to speak, go ahead and indicate that
12 during the break to the people at the table, and they
13 will get your card out and recheck it and get it to
14 me. And everybody - - we will give everybody a chance
15 to speak. And I encourage you to speak. And I know
16 some of you have some things you want to get on the
17 record. That's fine. I want to make sure that
18 everybody gets an opportunity to do so.

19 So we will take a 10-minute break at this point,
20 and then we will come in for the public comment
21 period.

22 Ladies and gentlemen, we are going to go ahead and
23 start in at this time. Let me ask, has everybody
24 turned in their cards that wants to speak?

25 Captain Carruthers, do I have all the cards from

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1 over there?

2 Okay, we tried to change the microphones. In
3 fact, the microphone I was using, we have over on the
4 stand. There is a microphone up here, but it's not
5 working. You can't hear, and unfortunately the person
6 that controls the audio for the activity center has
7 left, and we can't get up to change the volume
8 controls.

9 So when you speak, you are going to need to get
10 very close to the microphone. And we have also got
11 Captain Carruthers, who will kind of be helping. If
12 we need to adjust the microphone, he will come over to
13 try to adjust the height of the microphone. But I
14 took the little lectern away so people can get as
15 close as they can. As close as I am having to hold
16 this microphone, you are going to have get next to
17 it.

18 I have got quite a few people that indicated they
19 wanted to speak. We want to make sure that your
20 comments are accurately recorded and addressed in the
21 environmental process. That's also why we have a
22 court reporter here. So I need to ask you to help me
23 with the following procedures.

24 First, come on up to the microphone after I have
25 recognized you, and please address your remarks to

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1 me.

2 Second, go ahead and get close to that microphone,
3 speaking into it. And if you would, go ahead and
4 indicate your name and what city you are from. And if
5 you are speaking on behalf of a group, go ahead and
6 indicate that.

7 I don't have anybody indicating that they are
8 speaking as an elected public official, so I will be
9 calling out the names that I have here at random. As
10 I indicated, the time will be five minutes. At five
11 minutes, I will hold my hand up. Go ahead and finish
12 the point you are making, but when you are done with
13 that, if you would, go ahead and stop so that somebody
14 else will be able to come up and also provide their
15 comments as well.

16 Last, I ask that only one person speak at a time.
17 The court reporter can only take care of one person at
18 a time. So that's the procedure that we will be using
19 as we go through the public comment portion.

20 Let me go back to Colonel Hargarten, I see you
21 have a big map on the table, and the issue with regard
22 to the flights on the Rio Grande.

23 COLONEL HARGARTEN: Judge, I don't know
24 if when we are done we can enter this as part of the
25 record. The problem with this map is, even though the

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1 mountains are shown in more detail here along the Rio
 2 Grande, the names of the mountains are not labeled.
 3 So if it's okay, Judge, maybe I could have one of the
 4 citizens identify the names of the mountains, if that
 5 would aid in making comments about the impacts, and we
 6 can make it a part of the record at the end of the
 7 comment period.

8 JUDGE HEUPEL: Would that be okay? Can
 9 you point those out, please? Perhaps, we can do it
 10 after the comment period, and that way we will make
 11 sure - - in fact, what I would like to do is label
 12 them some way, and we will make that a part of the
 13 final EIS.

14 COLONEL HARGARTEN: All right, thank
 15 you.

16 JUDGE HEUPEL: Okay, I am doing this so
 17 that, frankly, everybody has got an opportunity to
 18 speak first or to speak last, whatever. Nobody gets
 19 any specific privileges. So the first person that I
 20 come up with is Don Velzy. And forgive me if
 21 mispronounce your name. And please correct me.

22 MR. VELZY: My name is Don Velzy. I
 23 have a written statement which I would like to submit
 24 to the panel. Who gets it?

JUDGE HEUPEL: If you would hand it to

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1 me, sir, and I will make sure that it becomes a part
 2 of the record.

3 MR. VELZY: I would like to digress
 4 from my written statement and make a couple of other
 5 statements. First of all, I would like to mention the
 6 fact that there is no American flag in this room
 7 except the one that I have in my pocket, and, I guess,
 8 the one Bill Ritch is wearing. I would like to
 9 question that and put it in the record. And if there
 10 is some way you can answer it, I would like to hear
 11 the answer sometime, why not?

12 The other thing is, as you and I talked, Colonel,
 13 before the meeting, I didn't notice any insignia
 14 indicating what branch of the service, or what country
 15 you are from on your uniform. You and I went into
 16 that. I don't think we need to go into it here. It's
 17 just something I wanted the people in the stands to
 18 realize. If you could answer that for me, I think you
 19 probably have, but I think it needs to go in the
 20 record.

21 I have already stated my name. I am a person
 22 residing in Las Palomas, Sierra County, New Mexico. I
 23 am not anti-government. I am not some kind of radical
 24 nut. I just want the government to abide by the
 25 supreme law of the land, and that's the Constitution.

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1 This is also not part of my written comments, but this
2 is a Title IV, USC-1 flag, the American flag of
3 peace.

4 I have researched at length the Constitution of
5 the United States, the New Mexico Constitution, and
6 the Border 21 Program. The Border 21 Program being
7 that program involving a strip of land 100 kilometers
8 wide from the Gulf of Mexico to the Pacific Ocean,
9 62-and-a-half miles into Texas, New Mexico,
10 California, land illegally appropriated by the United
11 States government with the idea of it becoming an
12 international territory.

13 I hope that gets in the record.

14 Nowhere in my research have I found any authority
15 in the United States Constitution or in the New Mexico
16 Constitution for the billeting of foreign troops in
17 New Mexico, or any other state of the union. Instead
18 of granting the German Air Force more territory in New
19 Mexico, this foreign military force should be
20 immediately removed from New Mexico and the U.S. It's
21 presence here makes New Mexico a conquered and
22 occupied territory.

23 Further, I request - - no, I demand that the
24 Sierra County Commissioners immediately enact a county
25 ordinance protecting Sierra County's airspace and

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1 ground territory from encroachment and/or maneuvers by
2 any foreign troops.

3 In closing, I would suggest that--inasmuch as it
4 is my belief that foreign troops are in New Mexico to
5 enforce the Border 21 program, just like our Marines
6 are in Australia to enforce gun control in that
7 country--the sheriff of Sierra County and as many of
8 us as he deems necessary to be deputized to escort
9 this foreign troops to the county line. They are not
10 our friends.

JUDGE HEUPEL: Thank you.

12 The next speaker would be Tony Popp.

13 MR. POPP: My name is Tony Popp. I am
14 from Las Cruces, New Mexico, and I also represent the
15 Dona Ana County Associated Sportsmen, of which I am
16 past president and currently a board member of that
17 group. I do have a written statement that I will
18 submit after my comments here.

19 And I will digress from this. I am not going to
20 read it. There are some other things I would like to
21 bring up.

22 As has been pointed out, McGregor Range is
23 temporarily withdrawn from public use, and that
24 question of withdrawal will come up again in the next
four or five years. What I would like to have

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1 included in the impact statement is the long-range
2 impact of the use of the McGregor Range, if it is
3 returned to public use after that withdrawal period is
4 over. That is not included. It is assumed that it
5 will continue to be withdrawn from public use.

6 I have questions with regard to the noise
7 analysis. As was pointed out, on average, we do not
8 have a problem in significant effect--on average, in
9 terms of decibel levels. Given, maybe, a conservative
10 estimate of 3,200 more sorties per year, we are

11 talking about 10 more sorties per day. If they are
12 not done on weekends, we are talking about 14, maybe
13 15 more sorties a day. If we cut that down to three
14 or four days a week, we are talking about somewhere in
15 the nature of 20 and 25. The impact of these levels
16 going up to what, on average, is about 102 to 108
17 decibels on a concentrated basis, its effect on
18 wildlife and ranching needs to be analyzed. If this
19 is going to happen one out of every three days, I
20 think we can assume the wildlife will be disturbed
21 enough and/or the cattle will be disturbed enough
22 during that period of time that that will cause
23 continual problems. Obviously, we will hear more from
24 individuals tonight about what those concentrated
25 sorties will do if, in fact, they are coming over

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1 Truth or Consequences.

2 Some other things, the biological resources we are
3 talking about in the impacted area, in the direct
4 impact area of only 2 x 4 miles, or eight square
5 miles. I understand that will be graded, completely
6 destroyed. And there will be no more habitat there.
7 We are also talking about a greater area that will
8 serve as an impact area. I cannot imagine that we are
9 not going to get some more degradation in this area
10 than something that is inconsequential.

11 Probably, one of the things that bothers me the
12 most is the nonimpact on ranchers, sportsmen, those
13 living up in the Sacramento Mountains and in the
14 forest. That area is in fact used as a recreational
15 area. Obviously, this noise is going to cause some
16 problems. Again, on average, it doesn't make a
17 difference, but individually, on any particular day,
18 it will. It will impact the recreational use of those
19 areas. It will probably impact the individuals that
20 are living in the area, and that has not been included
21 in this impact study.

22 I think some more work needs to be done in that
23 area with regards to the use of the McGregor Range.
24 Also, according to the report, there is an
25 insignificant impact with regard to the historical use

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1 of that area, especially Otero Mesa. Otero Mesa is
 2 traditionally a hunting area, hiking area, birding
 3 area. People have used it on a regular basis. It is
 4 only temporarily withdrawn, but you are talking about
 5 putting it there. If we put it on the West Otero
 6 Mesa, we are talking about that area being closed to
 7 public use, even in the surrounding buffer zone. And
 8 they say it's only sixty hours per week. Well, that
 9 means, on a five-day week, twelve hours a day,
 10 probably, during daylight hours, probably some at
 11 night. So we are talking about the closure of that
 12 for the entire week.

13 In conjunction with other activities that go on,
 14 let's say we have some Japanese target practice, that,
 15 in fact, is included on some weekends. What we are
 16 talking about is a complete closure of the West Otero
 17 Mesa area, and I think that was what was said in the
 18 impact statement.

19 I think what this is basically doing is
 20 eliminating all use of that area. And I think that
 21 impact on the economy should be known. The trade-off
 22 that has been shown so far is that there is a positive
 23 impact to the economy in the Alamogordo area. What
 24 has not been calculated is the negative impact on the
 25 rural areas. And so that should be included in the

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1 statement.

2 I guess what I would like to do is support the
 3 BLM's position that we leave the West Otero Mesa
 4 alone. If you are going to put it somewhere, put it
 5 down in the Tularosa Basin.

6 JUDGE HEUPEL: Thank you, sir.
 7 The next speaker will be Jay Thompson.

8 MR. THOMPSON: Sir, my name is Joe
 9 Thompson. My address is P.O. Box 843, Williamsburg,
 10 New Mexico. I president and representative for
 11 Preservation of the Caballos Mountains, Incorporated.
 12 We are an environmental organization in this area.

13 Ms. Parker covered quite a few environmental impact
 14 things that she foresees. I'll read you, Airspace use
 15 management, minor to no impact on airspace. Land use,
 16 minor decrease in land use available for grazing.
 17 Biological resources, result of disturbance to about
 18 1,040 acres. Air quality question is under the new
 19 proposed air quality standards, where the use of a gas
 20 lawn mower or barbecue in the back yard violates the
 21 new environmental standards that are going to be in
 22 place. Have those been considered in this EIS? I
 23 don't think they have.

24 You talk about safety. As far as bird strikes,
 25 bald eagles. If I kill a bald eagle, I am going to

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1 jail under Federal law. What about your pilots that
2 kill a little fly catcher, or kill a bald eagle, are
3 they going to jail like everybody else here in this
4 country?

5 PCM strongly recommends that you use existing
6 ranges. There is no point in destroying eight square
7 miles of land, none at all. You have got existing
8 ranges out there, use them. We were awfully close to
9 backing proposal "no" of your proposition.

10 And I believe there is a significant language
11 problem with your pilots that is going to eventually
12 result in death of both German and American pilots.
13 You have a lot of ranges. There are very few people.
14 And as I understand it, very few endangered species.

15 Understand something, we as citizens of this
16 country are required under the current environmental
17 protection laws to abide by critical habitat
18 standards. Why aren't you? Yet what you are asking
19 for is a blanket use of areas that our loggers here in
20 New Mexico are prohibited from using for logging
21 because of the spotted owl. One thing that I think
22 should be required, and that is that whatever decision
23 that is made, it should be presented to each
24 government entity here in New Mexico. I am talking
25 city, county commissioners, as well as the state

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1 legislature for their approval. They are our elected
2 officials.

3 You folks out here are the military. You're the
4 bureaucrats that are operating and putting into force
5 things that are affecting our lives here on a daily
6 basis. Federal officials are appointed, generally.
7 Our elected officials are responsible to us, for us to
8 vote for them. Put it in their laps, let them make
9 the decision whether or not we accept or deny what you
10 are proposing. Under the U.S. Constitution, this is
11 part of our Constitutional right, and that is the
12 right to be represented in any decision-making process
13 by our elected officials not bureaucrats, and not by
14 appointed people.

15 Our lives on a local level are going to be
16 drastically affected by what you are proposing. The
17 Colonel over here said that these aircraft are going
18 to be traveling about seven miles per minute. That
19 doesn't leave very much time for a person that has
20 trouble speaking a foreign language to make a
21 decision, where his life and the life of another pilot
22 is going to be lost. As a former private pilot, I
23 have had oil burners out of the local area here in the
24 National Guard fly below me and above me, and on the
25 same level in years passed. It's a very scary

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1 situation. I don't know how many of these aircraft
2 are going to be equipped with avoidance radar. I know
3 one thing, as a private pilot in a low flying aircraft
4 up to 130 miles an hour, you don't have very much time
5 for error. And you have much less time for error in a
6 high speed, war-type aircraft.

7 We strongly ask that, and strongly urge that
8 whatever decision is arrived at, it be put to our
9 elected officials here on a county level, city level,
10 and also to our state legislature. Those are the
11 immediate people that answer to us the voters.

12 JUDGE HEUPEL: Thank you, sir.

13 The next speaker would be Richard Woodsum.

14 MR. WOODSUM: My name is Dick Woodsum,
15 local pilot, and southern president of the New Mexico
16 Pilots Association. My address is P.O. Box 739,
17 Elephant Butte, New Mexico.

18 My primary concern is with the handout depicting
19 airspace requirements for this study. The handout
20 depicts the airspace requirements as what are needed
21 for low-level, low-altitude navigation along the
22 military training routes. It states that although
23 there are no restrictions to civilian aircraft
24 operating in the corridor, the flight rules across the
25 military training routes all pilots, civil or of the

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1 government, should be aware that high-speed, military
2 flights are conducted within these corridors.

3 A corridor to me is a hallway, a narrow corridor,
4 is what we all visualize when we hear a corridor.
5 Several people have asked, where is this line that
6 runs up west of Truth or Consequences? Why are the
7 jets flying up the river? I hate to tell them but
8 these corridors are up to 58 miles wide. That's a
9 wide corridor, when you consider that covers most of
10 Sierra and parts of Catron County. It's not really a
11 corridor. That's very misleading. So I am concerned
12 about that.

13 I had an incident occur when two F-111s flew past
14 me at a distance, I figure, of 400 to 500 feet. It
15 was a little bit disturbing. I don't think either
16 airplane saw me, although two aircraft should have two
17 crew members up front looking out the windows. It
18 concerned me enough so that I called up Kirtland Air
19 Force Base to find out who would be operating in that
20 area. They said the only F-111s, that these happen to
21 be, were out of Clovis Air Force Base. Being a
22 cooperative citizen, I called Clovis Air Force Base
23 because of the concern for my welfare and the concern
24 for others.

25 I was challenged, "What were you doing operating

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1 in military air traffic?" The response I got from the
2 airspace manager was I was working in a military
3 airspace.

4 Well, it's a civil operating area just as much as
5 it is military.

6 If you want to report a near miss, I could call
7 FAA.

8 I just want the four pilots to look out the
9 windows once in a while. They shouldn't have come
10 that close to you. They should have seen me.

11 I said, Do you have an airplane with yellow and
12 red stripes near the horizontal flange of the vertical
13 stabilizer? That's one of the standards of the Cannon
14 Air Force Base. That's how close they came. 400 to
15 500 feet is not an unrealistic estimate of how close
16 they came.

17 I am flying low-level, wildlife research, 500 to
18 800 feet off the ground. When a jet goes between you
19 and what you are looking at on the ground, I don't
20 know what the answer is.

21 I'll keep it short, but I am opposed to increased
22 use of MTRs, military training routes. I feel that
23 they should be depicted more accurately on the charts,
24 not as a thin gray line, but as a corridor 58 miles
25 wide so that pilots know what they are getting into,

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or what they could be subjected to.

I feel that low-level, high speed jets represent a
threat to the safety of local, as well as any transit,
general aviation aircraft. And I think that the whole
MTRs, low-level, high speed program should be studied
a little more carefully. It would only take one bad
incident to spoil your day. I hope it won't be mine.

JUDGE HEUPEL: Thank you, sir.

The next speaker will be George Wright.

MR. WRIGHT: Good evening, Colonel,
ladies and gentlemen. I am George Wright. I live
here in Truth or Consequences, and I am president of
the Experimental Aircraft Association, Chapter 555. I
should be used to these things. I use one quite a lot
as I am a pilot. I want to keep my comments, as much
as I can, pertinent to the environment that will be
impacted, but I have one thing that I wish to say,
which is, that I think probably by now most everyone
is aware that almost all of the U.S. citizens in the
western part of this country are opposed to this
operation in general, in fact, to any more military
aircraft operations. We are saturated. The western
part is covered by MOAs. There was a time when
probably most of them were needed. Most of us think
now they probably are not needed.

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1 But aside from that, my concern with the
 2 environment is low-level airspace. Low-level, to me,
 3 is, say, up 10,000 feet or 12, which most of us fly on
 4 a routine basis. And it's getting really thick with
 5 military in this area that I fly down here in the
 6 southwest. It's getting really thick. It's really
 7 scary. In fact, about two weeks ago--probably less
 8 than two weeks--there was one jet that I didn't see
 9 good enough to identify, which came up the river over
 10 the dam, up the lake, and it looked to me like he
 11 cleared the dam at less than 50 feet, but it could
 12 have been 100. And there are boots, people out on the
 13 lake. He came right over the house. Obviously, he
 14 generally stayed east of the river, so he missed,
 15 mostly, directly over flying the town. So these are
 16 things that we are real concerned with.

17 I guess that I am mostly concerned with the people
 18 part of the environment, because we see it as a real
 19 threat. Most everyone of us have seen people fly,
 20 planes fly between us and the ground away from the
 21 gray areas, which we thought were training routes and
 22 which we came to realize really don't mean much of
 23 anything, because even the concentrated - -
 24 apparently, concentrated flights don't normally, as
 25 far as we can tell, go over the gray lines, even if

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1 the gray lines are ten miles wide. So we have a real
 2 concern with that. C-130s have been flying across by
 3 the airport in recent years, by the Truth or
 4 Consequences airport, within two miles of the airport
 5 at probably 200 feet. That's been three years ago or
 6 so, but it doesn't seem to have changed. The type of
 7 plane has changed, but we don't see much difference
 8 from the rest. Thank you very much.

9 JUDGE HEUPEL: Thank you, sir. The
 10 next speaker is Walter Lujan.

11 MR. LUJAN: I am Walter Lujan. I am
 12 with the Bureau of Land Management. I am a range land
 13 management specialist with the Caballo Resource Area,
 14 Las Cruces District.

15 BLM representatives have attended several scoping
 16 meetings covering the proposal to bring an additional
 17 30 Tornado aircraft to Holloman Air Force Base, and
 18 the development of bombing ranges in McGregor Range,
 19 and the increased use of airspace in the region.

20 The BLM does not favor the development of a new
 21 bombing range, or the withdrawal of public lands in
 22 the Ortero Mesa portion of the McGregor Range. We
 23 would prefer the various branches of the military to
 24 coordinate, to better share - - better use and share
 25 existing bombing ranges and airspace.

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Representatives from the Air Force have advised us that use of the Red Rio and Oscura bombing ranges within the White Sands Missile Range is increasingly difficult due to airspace access control by the White Sands Missile Range. We have suggested that Red Rio and Oscura could be more fully utilized if the German Air Force were to train on weekends and not limit themselves to training only during weekdays. However, the alternative to use the existing ranges by incorporating weekend use was not covered in the draft EIS. We do not feel that the rationale of, "the German Air Force does not want to work on weekends," is sufficient justification for not exploring this alternative. We would like to see the omission of this alternative corrected in the final EIS.

If additional utilization of the Red Rio and Oscura Ranges is not fully met, Holloman Air Force Base needs to, and the BLM urges Holloman to look at the Tularosa Basin alternative as the location for their proposed bombing range. This site has already been impacted in the past by military ordnance, and the environmental impacts are much less than would occur on the Otero Mesa and the Mob (phonetic spelling) Foothills site. Its makes no sense to impact another area and lay more land to waste.

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We are concerned about the proposal, especially the bombing ranges on the Otero Mesa, due to impacts to public access use and enjoyment, both economic and aesthetic, on public lands and resources. We are concerned about the impacts to the customs and culture of the community dependent on Otero Mesa and the Mob (phonetic spelling) Foothills portion of the McGregor Range.

Impacts to the existing level of access concern the BLM and the public dependent on that access for their businesses, including ranching; community economics; and historic, customary resource uses, which include hunting, hiking, camping, plant and animal viewing, and the enjoyment of the black grama area.

Much of New Mexico is premier deer and antelope use, especially the mountain and mesa areas. We are concerned that impacts to endangered and sensitive species have not been carefully assessed and viewed. There is a serious deficiency in the analysis in that development of a new bombing range is not appropriate for the Otero Mesa or the Mob (phonetic spelling) Foothills portion of the McGregor, especially when other areas are available, such as expanded use of existing range or location of bombing ranges in the

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1 already impacted Tulsorsa Basin.

2 I will be submitting formal comments before the
3 August 4th deadline.

4 JUDGE HEUPEL: Thank you, Mr. Lujan.

5 The next speaker will be Zue Hanson.

6 MS. HANSON: My husband will talk for
7 me, please.

8 MR. HANSON: I am Richard Hanson, and I
9 will speak for Ms. Hanson.

10 JUDGE HEUPEL: Let me ask, you are also
11 signed up as a speaker.

12 MR. HANSON: You can treat that on that
13 basis.

14 JUDGE HEUPEL: That's fine, sir.

15 MR. HANSON: I am objecting to the
16 proposal of more low-level flights over the Rio Grande
17 Valley.

18 Have you ever been out in the morning and had a
19 supersonic plane fly over you at 400 feet, and a sonic
20 boom follow him, and hit you in the back of the head.
21 If you haven't, I have, and so have a lot of other
22 people. It is an insult to the environment of
23 people. Environmentalists worry about all the little
24 animals and mice that are running around, becoming
25 extinct. Right now the law abiding American citizen

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1 is becoming extinct.

2 Now, I don't know -- now this is a - - there is no
3 inference to any of you gentleman. I respect you and
4 your uniform, but how many of you - - how long have
5 you been in combat with the German Air Force? It's
6 not funny. And I think that training the German Air
7 Force, or any other forces in the United States is an
8 insult to all the servicemen and ex-servicemen and
9 American citizens.

10 Now, I don't know where you stand. I look at you
11 as a man of integrity, but I don't think that if it
12 wasn't for orders being handed to you that you would
13 be sitting there saying and doing what you are doing.
14 It is something you better remember. You'll be
15 looking at the German Air Force for the third time in
16 this century. And this is an insult, this is a blot
17 on the integrity of the entire nation. Thank you.

JUDGE HEUPEL: Thank you, sir.

18 The next speaker would be Patricia Barker.

MS. BARKER: My name is Patricia

20 Barker, and I live in Truth or Consequences, New
21 Mexico.

22 I must say, some of the things have been covered,
23 and they are already on record that I had in mind to
24 say. I am the spouse of retired Air Force and have
25

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1 been retired since 1964, but we were still civil
 2 service transferring around. And we moved here in
 3 1964 for the community, the quiet community, to get
 4 away from the hassle of aircraft and flight lines, and
 5 all that kind of stuff. We moved to San Antonio,
 6 Texas. And then we moved back to this community to
 7 get away from exactly what you all are proposing here
 8 for this community. And I would like to go on the
 9 record that I am against it.

10 When we lived in San Antonio, we had five military
 11 posts. Randolph Air Force base, which was famous--as
 12 you all know, the pilots come to Holloman Air Force
 13 Base after their training there--plus an airliner
 14 going over all the time, every 10, 15 minutes. And I
 15 think that this would be an horrendous impact on the
 16 economy of Sierra County. And as you know, Sierra is
 17 the largest county in the state of New Mexico and
 18 naturally you are going to want to involve us. Keep
 19 your aircraft on the other side of the lake, and on
 20 the other side of the mountains.

21 JUDGE HEUPEL: Thank you. The next
 22 speaker would be, let's see, Mildred Hooper.

23 Ma'am, do you basically agree with what's been
 24 said already? With what was being said?

25 MS. HOOPER: Yes. Yes.

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1 JUDGE HEUPEL: And you do not wish to
 2 speak now? Okay, thank you, ma'am.

3 Then, Mr. Hanson has already spoken. William
 4 Ritch.

5 MR. RITCH: My name is William Ritch.
 6 I live in Cuchillo, west of Truth or Consequences. My
 7 mailing address is HCR 38, Box 8, Cuchillo. Zip Code
 8 is 87901. I guess the comments that I made relative
 9 to the sonic boom do not correspond with the number
 10 that was stated in terms of flight velocities. We do
 11 have cases where, once again, our cities have been
 12 harassed by the loud noise and the sonic booms, both
 13 from aircraft--and I will say that we have no idea to
 14 whom these aircraft belong, because they are not
 15 marked. We don't have aircraft with stars any more.
 16 We don't have German craft that's marked.

17 And in regard to that, going to the flag issue, I
 18 am wearing a Title IV, USC-1 flag, which guarantees my
 19 Constitutional rights. And I guess that the concerns
 20 that I have is the trust in our government and
 21 especially the trust that we have in our military, of
 22 which I presume - I was in the military. I also
 23 took an oath to uphold the Constitution of the United
 24 States. And the Title IV flag is the United States
 25 flag of peace, and of the United States of America.

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1 And it does preserve the Constitution. I have the
 2 flag recognition, which I will submit to you, sir, and
 3 also a quote from the Federal Register, Executive
 4 Order 10834 which describes the current flag with the
 5 50 stars in the field.

6 Concerning our trust in our government, things
 7 that have come to our attention are questions such as
 8 the questionnaire that was passed out to the military
 9 whether they would be willing to shoot American
 10 citizens if they were confiscating guns. It was
 11 extremely unfortunate, the percentile which said they
 12 would be willing to do so. We are reminded of Michael
 13 New (phonetic spelling), who, because he was unwilling
 14 to wear the UN insignia was court-martialed. We are
 15 reminded of the case where the camel's nose gets into
 16 the tent, and you invite the entire camel in. I am
 17 reminded of the Trojan horse. It was given as a gift,
 18 but inside the Trojan horse the army came in and
 19 conquered.

20 We are reminded of the Haneys when we talk about
 21 the environmental impacts and the loss of their ranch
 22 and their grazing rights. So all of these things are
 23 concerns to us, most of us anyhow.

24 Now, I know that the BLM, Forest Service, and
 25 other agencies claim this property for inventory

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1 reports and jurisdiction status of federal areas
 2 within any state. As of June 30th, 1962, a report for
 3 another was compiled by the General Service
 4 Administration, and the total amount that was
 5 recognized as being owned by those organizations was
 6 5.8 acres. I will submit this to you, also.

7 We submit that this same document is not available
 8 for New Mexico. The people that got this document had
 9 to do a FIO to get it, in order to get this. So it is
 10 going to take some time for us to get this same
 11 document as it relates to the state of New Mexico;
 12 however, we will be in the process of getting this
 13 done. Sorry, that's Florida. I would submit this to
 14 you for documentation.

15 Just in closing, I would like to read something to
 16 you, sir. This is significant in terms of the time
 17 that it was written. And I will read it. It says:

18 He has erected a multitude of new offices and sent
 19 hither swarms of officers to harass our people and
 20 eat out their substance. He has kept among us, in
 21 times of peace, standing armies without the consent
 22 of our legislature. He has affected to render the
 23 military independent of and superior to the civil
 24 power. He has combined with others to subject us
 25 to a jurisdiction foreign to our Constitution, and

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1 unacknowledged by our laws, giving his assent to
 2 their acts of pretended legislation. For quartering
 3 large bodies of armed troops among us, for
 4 protecting them by a mock trial from punishment for
 5 any murders which they should commit on the
 6 inhabitants of these states.

7 I propose that this is very appropriate, even at
 8 this time, inasmuch as it was written by Congress in
 9 1776. It's part of the unanimous declaration of the
 10 United States of America. And it was signed by our
 11 founding fathers. I thank you, sir.

JUDGE HEUPEL: Thank you.

The next speaker would with be Ralph Gooding.

13 MR. GOODING: I am Ralph Gooding. I
 14 live here in T or C. And I noticed on the paper you
 15 had different public hearings in different cities, but
 16 I didn't see anything on this about Las Cruces. I am
 17 not asking for an answer, I am just pointing out the
 18 fact.

19 The McGregor Range, the West Otero Mesa will be
 20 severely impacted. It is a sensitive environmental
 21 area. It has cattle, game, recreational use, and
 22 would be restricted to the public use. There are
 23 other sites that are available. You could rearrange
 24 the training to extend into the weekend and put it on
 25

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TC-22

1 the McGregor Range and the Tularosa Basin.

2 You know, we have basins that are being closed all
 3 the time, why not put it over in one of those. I am
 4 sure the people over there in that area would
 5 appreciate it.

6 And I was wondering, how many German personnel are
 7 at Holloman Air Force Base now? Thank you, sir.

8 JUDGE HEUPEL: Thank you, sir. The next
 9 speaker is Gene Thelewicz.

10 MR. THELEWICZ: My name is Gene

11 Thelewicz. My address P.O. Box 417, Elephant Butte,
 12 but I actually live on the east shore of the lake
 13 around on the mesa about 600 feet above the lake. And
 14 believe me, when I look out, I look out and the F-16s
 15 are at eye level, and they create tremendous noises.

16 I think it's clear by now that no one wants the
 17 German base here. We are seizing public and private
 18 land and giving its sovereignty to a foreign nation.
 19 I don't want any foreign bases in the United States.
 20 The Germans are to protect Germany; the U.S. Air Force
 21 is to protect the United States. The Germans don't
 22 have any desert territory in their country, why would
 23 they want to train in desert terrain? The whole thing
 24 is scary.

25 If a private corporation was going to do anything

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TC-24

1 like this to the environment, they would find
2 themselves in jail.

TC-25 3 I don't understand what "negligible impact" means.
4 There was a Japanese farmer in California. He killed
5 four kangaroo rats using a tractor farming his own
6 land. They confiscated his tractor and his land, and
7 everything else. You plan on confiscating thousands
8 of acres and giving it to a foreign nation,
9 sovereignty to a foreign nation. I am totally
10 opposed. I gave you a copy of an article earlier this
11 evening. Will you give it to the writer, please?

12 JUDGE HEUPEL: We will put that in the
13 record. Thank you, sir.

14 I want to make sure on my cards here. I have got
15 two cards left. Leonard Rivera.

16 MR. RIVERA: My name is Leonardo
17 Rivera. I reside right here in Truth or
18 Consequences. I am not anti-military. I was military
19 myself many moons ago, long before some of you were
20 even born. But I and many others are very much
21 against allowing the German Air Force to expand
22 training operations, including bombing in New Mexico.
23 It is bad enough that our own military is doing
24 low-level flying and creating loud sonic booms, but
25 for a foreign military to be doing that upsets me.

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1 And it goes against my grain.

2 What is the need for all this? I have heard one
3 of our own military say that this training is needed
4 to help us in case of a crisis, and/or to help protect
5 ourselves. If we need a former enemy to help us
6 protect ourselves, we are in a sad state of affairs.
7 This means that our military is not as good as we are
8 led to believe. Here we are reducing our own armed
9 forces and bringing foreign ones to U.S. soil.
10 Something smells rotten. Are these foreign troops
11 being trained for something else? Like control of
12 U.S. citizens. Makes one wonder.

13 I belong to an organization called PCM, the
14 Preservation of the Caballo Mountains. This is an
15 organization dedicated to the rightful use of private
16 and public land. I don't believe that bombing the
17 hell out of our state or parts of it is in any way,
18 shape or form a rightful use of our land. We keep
19 losing our public lands or the use of them. I say
20 enough of that. We don't intend to lose more. We are
21 tired of the federal government, any branch, taking
22 away our land every time they feel like it. Listen to
23 the people once in a while. Listen to the ones who
24 pay for this program, including your paychecks. Don't
25 bite the hand that feeds you.

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1 I have another concern about the dam over here.
 2 We have all these sonic booms that come and rattle
 3 windows. If it's doing that to windows, what is it
 4 doing to the dam, maybe creating hairline cracks that
 5 could get bigger? I say no to this foolishness, our
 6 federal government allowing foreign military to train,
 7 including low-level bombing. If they want to do this,
 8 let them do it in their own country. Like the
 9 citizens of Alpine, Texas, told the Air Force when
 10 they held a meeting similar to this, quoting the
 11 newspaper, "Not only no, but hell no."

JUDGE HEUPEL: Thank you, sir.

The last card I have got is Margo Wilson.

14 MS. WILSON: My name is Margo Wilson,
 15 and my address is P.O. Box 926, Elephant Butte, New
 16 Mexico, 87935. I want to thank you all for the
 17 opportunity to speak here this evening. I wondered
 18 why you were coming to T or C when there are so many
 19 more people that live in Las Cruces. I'll state that
 20 again, I was wondering why you would come to T or C.
 21 I was informed that we were closer to the flyover
 22 areas. But I am glad you came here, but I really feel
 23 like people in Las Cruces should be considered, also.

24 I represent the Warm Springs Section of Southern
 25 Luna County of the Sierra Club. And these are some of

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1 our concerns. Why is the German Air Force coming to
 2 New Mexico? Specifically, why can't Tornado jets fly
 3 over Germany and other European countries? Isn't it
 4 because they don't allow these low-level flights that
 5 you are asking us to put up with?

6 I am also concerned about the McGregor Range.
 7 It's important historically here, to the history of
 8 New Mexico. As you recall, it was the last stand when
 9 the army took over the grazing allotments to form
 10 those military ranges. A lot of people use those
 11 areas for recreational uses, hunting and for camping
 12 trips. We wouldn't like to lose that. I also think
 13 that it's absurd to say that the environmental impact
 14 on Otero Mesa would be negligible when you are going
 15 to blade it off. Are the ranchers who live east of
 16 Otero Mesa going to be paid to relocate from their
 17 homes and lands because of the noise of the low-level
 18 overflights and bombing range? How do they impact our
 19 lives? Its not compatible with residential living.

20 Another question, is it true that Tornado jets
 21 create 120 decibels of noise and this causes ear
 22 damage? I understand that 65 decibels is the level of
 23 public annoyance that can not be tolerated in urban
 24 areas around airports. So you spoke of averages, but
 25 aren't averages a way to hide the real impact on

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TC-33 1 people and wildlife?

2 I think that we would recommend that you should
3 use the preexisting bombing ranges, leave Otero Mesa
4 and McGregor alone. And I have been told that the
5 bombing ranges are not to be used on Friday noon
6 through Sunday. Why aren't these bombing ranges used
7 on the weekend? They should be. Thank you very
8 much.

JUDGE HEUPEL: Thank you, ma'am.

10 Now, that's all cards that I have got. Let me
11 ask, did anybody turn in a card whose name I didn't
12 call?

13 Is there anybody who didn't turn in a card, even
14 though you didn't turn in a card saying you wanted to
15 speak, now would like to speak that hasn't been able
16 to speak previously?

17 Yes, sir. If you will come on up, and will you
18 state your name?

19 MR. WITT: My name is Ted Witt. I live
20 in T or C. For obvious reasons, I won't give you my
21 name and address.

22 I am concerned, also, with the flights over T or
23 C. I am wondering why the pilots, with all their
24 instruments and all their training, is it absolutely
25 imperative that they fly over the cities. Like so

1 many people have already said, we had an experience in
2 some cabins out in the boonies this side of Winston.
3 And I was fixing a roof on some old cabins when two
4 plans went by. I could see the guys blue eyes. If I
5 had my rifle, I might have shot one of them down.

6 They were that close to us. They scared the hell out
7 of me. We had to flatten ourselves on the roof
8 because we couldn't see them. We didn't know where
9 they were until they were right over us. I don't know
10 what route the went down, but they were close. We
11 were in the bottom of a canyon. It's called little
12 red hill, and they had to have had zoomed down to get
13 as close to us as they did. You know the level of the
14 mountains are here, and they were - - it was
15 frightening.

16 The lady with the impact statement, I noticed
17 there was a bill of \$4 million for one operation and
18 another one for \$20 million. And the one for \$100
19 million the German government is supposed to be
20 financing. Of this, how much is going to the Clinton
21 Administration. I don't like Clinton. I never have.
22 I didn't vote for him either time. I have never liked
23 him. He is not my president, nor anybody else's. But
24 I don't care for him. And I guess that's all I have
25 to say.

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JUDGE HEUPEL: Thank you, sir.

Anyone else?

MS. RIVERA: My name is Diane Rivera from T or C, and I just want to go on record and say that I protest any flying going on over Truth or Consequences, but more I protest the Germans being in our country. And if it was just Americans flying around here, you wouldn't have me here. I would not protest.

JUDGE HEUPEL: Thank you, ma'am.

Is there anybody else who has not spoken that has any comments that they want to provide? I don't see anybody.

It's a quarter of 9:00 now. I understand the sincerity of your concerns and sense that in your demeanor and in your expressions. We appreciate your coming out and providing your concerns, particularly providing some of the things where you think this needs to be looked at more closely, concerns about some of the routes. It's important to have that input and to make sure that that goes before the decision makers. The people doing the environmental analysis are going to have to take this and work with it and see what needs to be done. But it's input from the public that is vital here. And I very much appreciate

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your coming out and giving the input. All of it has been taken down by Mr. Porter, and he'll be transcribing it. And your presentations will be in the record, and will be there for analysis and be there for the decision maker to read.

Thank you for your participation and your comments.

(Meeting adjourned at 8:50 p.m.)

* * * * *

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1 STATE OF NEW MEXICO)

2)

3 COUNTY OF DONA ANA)

4 I, Michael Porter, Official Court Reporter for
5 the State of New Mexico, hereby certify that I
6 reported to the best of my ability the proceedings in
7 the public hearing for the Draft EIS concerning the
8 expansion of the German Air Force at Holloman Air
9 Force Base; that the pages numbered 1 through 93,
10 inclusive, are a true and correct transcript of my
11 stenographic notes and were reduced to typewritten
12 transcript at my direction; that on the date I
13 reported these proceedings, I was a New Mexico
14 Certified Court Reporter.

15 Dated at Las Cruces, New Mexico, this 16th
16 day of July, 1997.

17
18 
19 Michael Porter, CSR
20 New Mexico CCR No. 60
21 Expires: December 31, 1997
22
23
24
25

MICHAEL PORTER, CERTIFIED COURT REPORTER
LAS CRUCES, NEW MEXICO (505) 523-8233

Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico

SIGN IN SHEET
PUBLIC HEARINGS
DATE 10/19/97

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State/Zip

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- 3 LARRY WILSON PO BOX 926 E.B. NM 87935
- 4 LEONARDO T. RIVERA 1415 WICKEL ST TORO 87901
- 5 JAMES WILSON TORO
- 6 JAMES WILSON TORO
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Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico

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 (if applicable) MYSELF

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CABAYO

CITY, STATE, ZIP CODE NM 87931

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Elephant Butte, N.M. 87935
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NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) Meadow Valley Contractors, Inc

P.O. Box 141, San Antonio, NM.

87832

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We want to support the proposal

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88005
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Torr NM 87901
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NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
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CITY, STATE, ZIP CODE

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 (if applicable) P.O. Box 823

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TORC NM 87901
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WILLIAMSBURG, NEW MEXICO 87942

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ELEPHANT BUTTE NM 87943

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EB, NM 87943

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MAILING ADDRESS BA 221
Williamsburg, NM 87945

STREET, P.O. BOX, OR ROUTE & BOX
CITY, STATE, ZIP CODE

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PLEASE PRINT NAME	DATE <u>2/18/77</u>
<u>GEORGE T. WRIGHT</u>	
MAILING ADDRESS	<u>PO Box 1244</u>
<u>Lees</u>	<u>NM 872301</u>
STREET, P.O. BOX, OR ROUTE & BOX	
CITY, STATE, ZIP CODE	
NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT (if applicable)	
<u>NM PLOTS ASSOCIATION</u>	
<input checked="" type="checkbox"/> CHECK IF YOU WANT TO SPEAK <input checked="" type="checkbox"/> CHECK IF YOU WANT A COPY OF THE FINAL EIS	

PUBLIC HEARING ATTENDANCE RECORD	
PLEASE PRINT NAME	DATE <u>7/9/77</u>
<u>RICHARD P WOODSUM</u>	
MAILING ADDRESS	<u>PO Box 739</u>
<u>Elphinstone</u>	<u>NM</u>
STREET, P.O. BOX, OR ROUTE & BOX	
CITY, STATE, ZIP CODE	
NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT (if applicable)	
<u>NM PLOTS ASSOCIATION</u>	
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Dona Ana County Associated Sportsmen, Inc.

P. O. Box 1117 Las Cruces, N. M. 88001

Dedicated to The Conservation of Soils, Forests, Wetlands, Wildlife, and All Natural Resources

Affiliated with

NEW MEXICO WILDLIFE FEDERATION

Ms. Sheryl Parker
Headquarters Air Combat Command/CEVA
129 Andrews Street
Langley AFB, VA 23665-2769

July 9, 1997

Dear Ms. Parker:

Following are my comments on the Draft Environmental Impact Statement for the Proposed Expansion of German Air Force Operations at Holloman, AFB, New Mexico.

I want to preface my comments with the statement that I, and the group that I represent, are supportive of the military and its on going mission. However, that mission must consider the impact that any proposed programs may have on the environment and socioeconomic status of those living in the impacted zone.

It is disturbing that one of the primary areas proposed for the expansion of Air Force operations is one that is only temporarily withdrawn from public use, could easily be brought back to public use, has some unique environmental characteristics, and has historically been used by the public for hunting, camping, birding, etc. It also disturbing to find that this draft impact statement builds on a "unconnected previous proposal" modifying airspace use in southern New Mexico and West Texas. That proposal looks at the impact of 12 German Tornado aircraft. You are now proposing an additional 30 aircraft to be used in the same area. The piecemeal consideration of these proposals, in the least, provides misinformation to the public with regard to the cumulative impact of military operations in the area.

For the following reasons listed below it is our recommendation that the western section of the Otero Mesa not be used for the proposed bombing range and that the Tularosa Basin portion of McGregor Range be the primary site for consideration.

Noise: Individual encounters with jet noise obviously will not increase. However the occurrence of jet noise must by definition increase. This must have a cumulative effect on wildlife and individuals living in the impacted area. This air noise is not consistent with the use the mountains to the west of the site. It is a recreational area dependent economically on tourism and the use of the forest. This will certainly have an effect on the recreational experience. This will occur under all but the no-action option. You have not adequately calculated this impact.

Biological Resources: The proposal states that there will not be any significant impact on biological resources of Otero Mesa. Flat blading 8 square miles of desert grasslands seems to be a

large impact. The mesa area contains some of the best grasslands in southern New Mexico. As more and more grasslands are converted to desert shrub in other parts of New Mexico, these grasslands become even more unique.

The basin site has already been impacted and is restricted in use. The BLM is recommending that this area be permanently withdrawn. Why not use an area that is already used? Why go out of the way to cause greater environmental impact?

Historical Use of Site: The Otero Mesa has been used historically by hunters, hikers, birders, etc. The Tularosa Basin site is restricted in use by the public. There would be no socioeconomic impact of the Tularosa site. Again why cause an impact when it is not necessary. This historic use is not cited in the study as an impact. Closing the southern section of Otero Mesa an additional 60 hours per week in addition to the amount of time it is already closed effectively eliminates the use of the Mesa by the Public.

Alternative Proposals: The Mesa and the Basin are the only two sites included in the proposal. An alternative proposal would be to use sites on the White Sands Missile Range. Why has this not been considered? The Missile Range authorities have said that they could work with the Air Force and coordinate activities.

Other general comments: It seems that the impact statement is not complete. The draft indicates that there will be very little impact on individuals living below the proposed flyways. Yet there have been quite a number of people who have expressed dissatisfaction with this conclusion. No where in the draft has this been reported. It seems the rural residents of the county will have to bear the brunt of the costs of this proposal while the urban populace will get the benefits. No where in the draft have the historic uses of the land in question been discussed. This is an impact.

In conclusion, I want to express the opinion that this document is not complete. Many issues are not addressed. I would hope that in the final draft all the issues will be addressed.

Respectfully,

Anthony V. Popp
Member, Board of Directors
Dona Ana County Associated Sportsmen, Inc.

MORE NEW MEXICO TERRITORY FOR THE GERMAN AIR FORCE?

*Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico*

WRITTEN COMMENT SHEET

Thank you for your input.
PLEASE PRINT

DATE: 7/9/97

I AM NOT IN FAVOR OF FURTHER EXPANSION OF
AIR FACILITIES OR ACTIVITIES IN NEW MEXICO -
SPECIFICALLY HOLLOMAN AFB- WHITE SANDS STATION
IS SUFFICIENT.
I OBJECT STRONGLY TO OTHER FOREIGN (GERMAN)
OR U.S. AIR FORCE PLANES FLYING OVER THE COR
ANYWHERE IN SIERRA COUNTY.
IF YOU WERE GOOD AMERICANS YOU WOULD SEND
THE GERMAN FORCES BACK TO GERMANY & BRING
OUR OWN MILITARY HOME WHERE THEY BELONG

**** CONTINUE ON BACK FOR MORE SPACE ****

NAME: MICHAEL E. HOOPER
ADDRESS: 304 N. RIVERSIDE DRIVE
CITY: TORONTO
STATE/ZIP CODE: ONTARIO M9P 1G1

Please check if you would like to receive a copy of the Final Environmental Impact Statement. ☒

Please Hand This Form In or Mail To:
AIR COMBAT COMMAND ENVIRONMENTAL ANALYSIS BRANCH
HQ ACC/CEVA
ATTN: MS. SHERYL PARKER
LANGLEY AIR FORCE BASE, VA 23665-2769

My name is Don Velzy. I am a natural person, residing in Las Palomas, Sierra County, New Mexico. I am NOT anti-government. I am NOT some kind of a radical nut. I just want the government to abide by the supreme law of the land - the Constitution.

I have researched at length, the Constitution of the united States, the New Mexico Constitution and the Border XXI program. The Border XXI program, being that program involving a strip of land 100 kilometers wide from the Gulf of Mexico to the Pacific Ocean, 62.5 miles into Texas, New Mexico, Arizona and California, illegally appropriated by the United States government under NAFTA to become an International Territory..

NOWHERE in my research have I found ANY authority in the united States Constitution or in the New Mexico Constitution for the billeting of foreign troops in New Mexico or any other state of the Union!

Instead of granting the German Air Force more territory in New Mexico, this foreign military force should be immediately removed from New Mexico and the US. It's presence here makes New Mexico a conquered and occupied territory.

Further, I request, no I demand, that the Sierra County Commissioners immediately enact a county ordinance protecting Sierra County's air space and ground territory from encroachment and/or maneuvers by any foreign troops.

In closing, I would suggest that in as much as it is my belief, that foreign troops are in New Mexico to enforce the Border XXI program, just like our marines are in Australia to enforce gun control in that country, the Sheriff of Sierra County, and as many of us as he needs to deputize, escort this panel to the county line.

THEY ARE NOT OUR FRIENDS.

Don Velzy

WRITTEN COMMENT SHEET

PLEASE PRINT

DATE: July 27, 1997

As a resident of a family owned home in Chloride, NM, I am intimately aware of the low-altitude military training routes above our community. Frequent fly bys often involve subsequent "sonic-booms." Would this particular route (shown in black on map shown in presentation west of TREC) be affected by the increase in low-altitude training routes proposed in the expansion?

If so, could the frequency of sonic-booms be monitored and controlled so that the environmental impact on rural residential homes would be minimal?

Area referred to is approx. 50 mi. west of Jarec off of state road 58.

**** CONTINUE ON BACK FOR MORE SPACE ****

STATE/ZIP CODE: 87935

Please Hand This Form In or Mail To:

LANGLEY AIR FORCE BASE, VA 23665-2769



I. I. The flag of the united States of America, is under Title 4 U.S.C. Sec. 1 pursuant to presidential executive order #10834,
Dated August 25, 1959

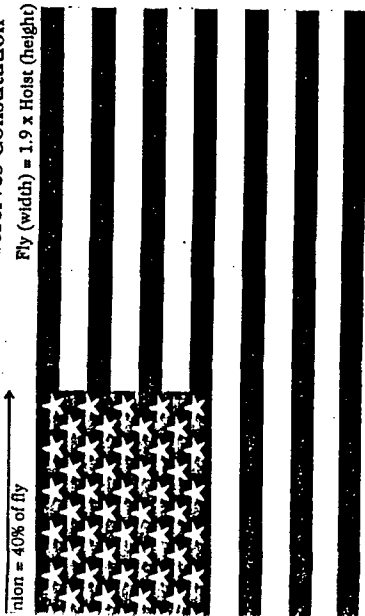
- [illegible]

FLAG RECOGNITION

ited States Flag of Peace, Title 4 U.S. Code Chapter 1.

Preserves Constitution

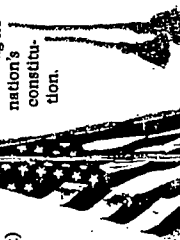
Fly (width) = 1.9 x Hoist (height)



Union
hoist
= 7/13
(.5365x1)

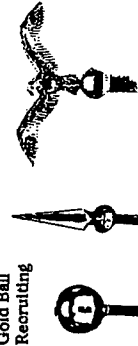
Hoist
(height)
= 1

A gold fringe is
not authorized
on a Title 4
U.S.C. 1 flag!
It is a dese-
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resenting no
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tion.

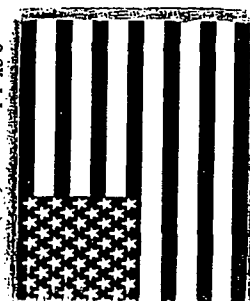


Gold Spire
Court-martial
Recruiting

Gold Eagle
President, U.S.A.



National Flag (suspends Constitution)
Army Ceremonial and Parade Flag
AR840-10(b-1) 4'4" x 5'6"



National Flag (suspends Constitution)
Army Post Flag AR840-10(a-2)
Similar to U.S. Flag but 12'x17'



Official Missouri State Flag



Desecrated Missouri State Flag

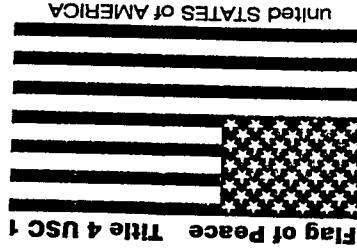


OUR FLAG

There is only one United States flag which preserves the rights protected by the U.S. Constitution. A 4-U.S.C.1 (Innocent until proven guilty) is the Flag of Peace.

National flags are government flags. They do not preserve the U.S. Constitutional rights (guilty until proven innocent).

When a gold fringe is added to a 4 USC 1 flag (red, white and blue) it desecrates that flag. A red, white, blue and gold flag does not represent the U.S. Constitution.



Flag of Peace Title 4 USC 1

United STATES of AMERICA

Summary of Land Lawfully Held by Federal Agencies in Nevada, Pursuant to Article I Section 8, clause 17 of the U. S. Constitution

(Source: Inventory Report on Jurisdictional Statutes of Federal Areas Within the States, As of June 30, 1962, Compiled by GENERAL SERVICES ADMINISTRATION)

County	Land Held	(Acres)
CHURCHILL		.5
CLARK		2.0
DOUGLAS		.0
ELKO		.4
ESMERALDA		.0
EUREKA		.0
HUMBOLDT		.4
LANDER		.0
LINCOLN		.0
LYON		.4
MINERAL		.3
NYE		.0
ORMSBY		.7
PERSHING		.4
STOREY		.0
WASHOE		.4
WHITE PINE		.3
Total		5.8

Luftwaffe Invades New Mexico

John F. McManus

On May 1st, Secretary of Defense William Perry took part in a ceremony at New Mexico's Holloman Air Force Base marking the official opening of a German military installation there. The facility is the first permanent military installation established in the United States by a foreign nation.

As a demonstration of the uniqueness of this arrangement, Secretary Perry and New Mexico Governor Gary Johnson were welcomed to the installation by German Defense Minister Volker Ruehe. Where our own officials would ordinarily do the welcoming of dignitaries from a foreign nation at a stateside military base, the German Defense Minister did the greeting on this occasion.

Of course, half a century earlier the reception would have been very different, with the Luftwaffe paying the price in blood in order to gain "access" to U.S. air space.

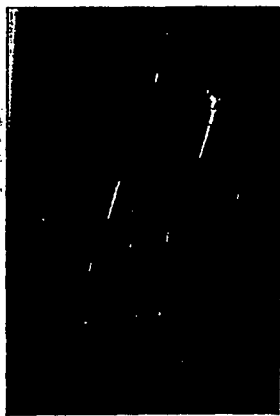
The unit, commanded by Colonel Eckart Sowada of the German Air Force, is already home to 12 European-built Tornado strike fighter planes. Approximately 300 German military personnel are stationed there, along with their families. Germany will add another 30 Tornados, 600 more military personnel, and additional family members by 1999. Germany will pay the U.S. \$40 million annually until 1999, and \$100 million annually thereafter.

While it is true that German military personnel have trained in the United States for decades, all have previously served under the command of U.S. officers. German pilots have learned to fly F-104G Starfighters at Luke Air Force Base in Arizona and F-4F and F-4E Phantom jets at George Air Force Base in California.

The newly created facility at Holloman will house aircraft bearing the German Maltese cross. Colonel Sowada will be reporting directly to superiors within his own nation's armed forces, with no American in his chain of command. His immediate boss is Gen-

eral Gerd R. Meyer, who heads the German Armed Forces Command for the United States and Canada from an office in Reston, Virginia, just outside Washington.

While our own officials liken this arrangement to the 40-year presence of U.S. military bases within Germany, they ignore the central question of whether or not the U.S. should continue to station troops in Germany and other



Tornado fighter jets flying over New Mexico desert.

The German Air Force is now at home on U.S. soil faraway lands. Why should the U.S. taxpayers continue to offset the defense budgets of Germany and Japan? Why not station German soldiers on German soil and American soldiers on American soil? The present arrangement makes perfect sense, however, if the development of a new world army is the goal.

Pentagon officials sought to sidestep any criticism of the Clinton Administration over the German base at Holloman by pointing out that the agreement was negotiated by President Bush and his Defense Secretary, Dick Cheney. Chief Pentagon spokesman Kenneth Bacon contended: "This should not be portrayed as a German invasion or occupation of U.S. space." At a news briefing, he insisted that "the Germans are tenants at Holloman Air Force Base, which continues to be a U.S. Air Force Base."

On the other hand, the Deutsche Presse-Agentur, which does not have to concern itself with playing to an American audience, put a very different spin on the story: "The German and American

defense ministers have christened a German military base in the southwest U.S. desert, the first permanent military installation set up in the United States for a foreign nation.

U.S. spokesmen claim that weather conditions in New Mexico are ideal for pilot training. Also, they note, New Mexico with only 1.5 million people is the same geographic size as Germany with a population of 80 million. All of this means that there is ample space for training missions, even for target ranges. But even pressed by a reporter, Bacon sought to minimize the uniqueness of the arrangement by referring to our nation's long-standing policy of training NATO pilots here. NATO is undoubtedly the overseer of this entire arrangement.

The creation of an official German base in New Mexico is another step toward the creation of an internationally controlled military force. NATO, a creature of the United Nations, seems earmarked to supply the military arm that the UN has always wanted. While each of the 16 NATO nations wields one-sixteenth of NATO's decision-making authority, Germany and the United States are militarily the alliance's most important members.

Having these two NATO powers entangled more tightly will undoubtedly strengthen NATO.

Secretary Perry and others maintain that having a German base within the U.S. is a sign of great progress. But progress toward what? There is no military intent to this nation that would remotely justify inviting forces from other nations to take up positions within our borders. Even at the height of the Cold War, when our own leaders constantly told us that the Soviet Union was a significant potential adversary, no one suggested that foreign military personnel set up bases here. Now that Germany has been permitted to establish a base within our borders, what's to keep other nations from being invited to do likewise?



SECTION 4.0

**FORT SUMNER, NEW MEXICO
PUBLIC HEARING TRANSCRIPT**

JULY 10, 1997

PUBLIC HEARING ON DRAFT ENVIRONMENTAL
IMPACT STATEMENT FOR THE PROPOSED EXPANSION
OF GERMAN AIR FORCE OPERATIONS AT
HOLLOMAN AIR FORCE BASE, NEW MEXICO

JULY 10, 1997
FORT SUMNER COMMUNITY HOUSE
FORT SUMNER, NEW MEXICO

COLONEL JAMES HEUPEL, PRESIDING OFFICER

MS. SHERYL PARKER, ENVIRONMENTAL OFFICE LANGLEY AFB
MR. BOB JOHNSON, ENVIRONMENTAL STAFF HOLLOMAN AFB
LIEUTENANT COLONEL DON HARGARTEN, HOLLOMAN AFB

COPY

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JUDGE HEUPEL: Ladies and gentlemen, we are going to go ahead and start in now. I've got about 14 minutes after 6:00. We may get a few more people coming in, but I want to thank you for coming out tonight. This is the public hearing on the draft environmental impact statement. Here it's referred to as the draft EIS for the Proposed Expansion of German Air Force Operations at Holloman Air Force Base, New Mexico. I'm Colonel Jim Heupel, and I will be the presiding officer for tonight's meeting.

Before any decision to expand the current German Air Force presence at Holloman can be made, the Air Force must do a complete analysis of the environmental issues involved with this action. The National Environmental Policy Act's implementing regulations require the Air Force to document this analysis in an Environmental Impact Statement before the Secretary of the Air Force makes any decisions.

Now, part of the process involves receiving public comment on the draft EIS, which was written over the past year following the scoping meetings last summer. At the scoping meetings, the Air Force asked for public input on the scope or range of issues that should be studied in this EIS. Now, this part of the process enabled the Air Force to learn about issues

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involving expansion of the German Air Force at Holloman that were not previously identified. The relevant comments gathered during scoping are included in the environmental analysis. And this analysis is contained in the draft EIS, the contents of which are the subject of tonight's hearing. Now, the EIS has been distributed for public review and comment. Based upon input received during the 45-day comment period, additional analyses will be evaluated and/or performed and changes will be made to the EIS as necessary. If you have not had an opportunity to read the draft EIS before tonight's meeting, you are encouraged to do so as soon as possible. A fact sheet with a list of document locations is available at the information table. I'm holding that up. I see some of you have some of the blue fact sheets. You may also read the summary of potential environmental impacts, which is also in the handout at the information table, and the findings will be addressed in the presentations that follow.

Now, at this point, I would also note that there are seven fact sheets consisting of 14 pages. These are blue in color, and these will become an exhibit or part of the final EIS because they are available for your review here tonight. I would also note that there are the display boards in the back, and we also have five

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1 legal size sheets of paper that are duplicates of those
2 display boards, and those will also become a part of the
3 final EIS since they are available for your review here
4 tonight.

5 There are two goals with regard to the
6 meeting tonight: The first is to provide information to
7 you about the analyses of potential impacts to the
8 environment resulting from the Air Force's proposal, and
9 the second is to receive your comments on the analyses.
10 This will help the Air Force address all concerns about
11 the proposed action because comments received during this
12 comment period -- the comment period started on the 20th
13 of June and it goes until the 4th of August -- all
14 comments received during that time frame will be
15 responded to in the final EIS. Tonight's hearing is the
16 fourth of six to be held in various communities in New
17 Mexico and Texas.

18 Before introducing the members of the
19 panel, I would like to explain my role in the hearing.
20 I'm a chief trial judge for the Air Force. I preside
21 over military criminal cases, so I'm not here as an
22 expert on this draft EIS, nor have I been involved in its
23 development, and I'm not here to act as a legal advisor
24 to the Air Force representatives who are going to be
25 addressing the proposed action. My purpose is just to

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1 ensure that we have a fair, orderly hearing, and that
2 everybody that wishes to be heard and speak tonight has
3 an opportunity to do so.

4 Now, let me introduce the members of the
5 panel. On my immediate right is Mr. Bob Johnson, who is
6 from the Environmental Office at Holloman Air Force
7 Base. To his right is Ms. Sheryl Parker, who is from the
8 Environmental Office at Air Combat Command Headquarters
9 at Langley Air Force Base, Virginia. And to her right is
10 Lieutenant Colonel Don Hargarten, who is the Deputy
11 Commander for Operations, or the Assistant Deputy
12 Commander, rather, for the 49th Operation Group at
13 Holloman Air Force Base.

14 Here's the schedule that we will be going
15 through: Mr. Johnson will speak in just a few moments to
16 provide a short summary on the environmental process and
17 what you can do to provide input in what goes into the
18 final EIS. Then Colonel Hargarten will provide
19 information on the proposal and three options the Air
20 Force is looking at in order to facilitate increased
21 German Air Force operations of Holloman. And then
22 finally, Ms. Parker will review the analysis of potential
23 impacts to the environment from the proposed action and
24 training option locations.

25 Following these presentations, we will

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consider any questions to clarify what it is the speakers may have just covered. If there's something that they indicated you didn't understand or you're not sure whether you heard them correctly, we can clarify what they said. After that, we will take a short break and then we will go into the public comment period where you'll have an opportunity to provide your comments on the record. We do have a court reporter with us. Irene Delgado is here, and she is taking down, word for word, everything that is said in the hearing, both by the Air Force representatives, as well as from you, the public. Your comments will become a part of the official final record, and your comments, we're taking them down verbatim so that your comments can be addressed by the staff doing the environmental analysis work and so that your comments will be part of the final EIS to be reviewed by the decision maker.

I will cover the procedures that we'll use. Given the number of people here, I'm going to be considerably more lax than I would be if we had 30, 40, 50 people here, since right now I see about six people that I'm not familiar with. So we will go through that after the break.

Now, you can comment tonight in one of three ways: You can comment using this written comment

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sheet that I'm handing or I'm holding up. You can comment on that and turn that in tonight, if you would like. You can take it with you and you can use it, or just use the address at the bottom to send more detailed remarks in. Again, I point out that any remarks need to be received by the 4th of August at Langley in order for them to be definitely included in the final EIS. And of course, the third part is, you can make oral comments here tonight. Actually, you can do all three of those, and we're here in order to hear from you, and so we solicit your involvement to make the whole decision-making process better.

At this point, I will ask Mr. Johnson to talk about the EIS process and schedule.

MR. JOHNSON: Good evening. My name is Fob Johnson, and I work at the Environmental Flight at Holloman Air Force Base. And during the next few minutes I will provide you with some general information about the Act which serves as the basis for these hearings, what we intend to accomplish, what's involved in the process, and what your role is in this process. And I will also go over the schedule as it relates to the proposed action that we are evaluating.

NEPA, which was enacted in 1969, requires that we, a federal agency, before we as a federal agency

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1 do something, we must analyze and document the
 2 environmental impact of that something before we proceed
 3 with the proposed action. Now, the NEPA document is
 4 intended to provide a clear, unbiased discussion of any
 5 potential environmental impacts relative to the proposed
 6 action and the alternatives. This analysis is intended
 7 to serve as a "clear basis for choice" and should avoid
 8 lengthy discussions of issues that are not relevant to
 9 the proposed actions.

10 And this leads me to a key statement in
 11 the NEPA regulations that's found in the "Purpose"
 12 section, and I want to quote it. "Ultimately, of course,
 13 it is not better documents but better decisions that
 14 count. NEPA's purpose is not to generate paperwork,
 15 even excellent paperwork, but to foster excellent
 16 action."

17 Everything the Air Force has done up to
 18 now, and will do with this document, and everything we do
 19 here tonight points toward the day when the decision
 20 maker signs the Record of Decision. Our responsibility
 21 as employees of a federal agency is to ensure that a full
 22 and objective environmental impact analysis is performed
 23 for all components of this proposed action.

24 Is the EIS the only factor the decision
 25 maker takes into consideration? No. He or she must also

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1 consider technical design issues, as well as monetary
 2 costs. The other factors that could be taken into
 3 consideration include values of the local public, as well
 4 as input from elected officials.

5 Once the decision is made, is the Air
 6 Force committed to implement the selection action? No.
 7 The final action in a NEPA process is the Record of
 8 Decision, and it is just that, a decision. If the
 9 decision is made to beddown the additional 30 aircraft
 10 and build the needed facilities, other constraints may
 11 cancel the proposal. The Air Force would not be legally
 12 obligated under NEPA to implement the selected action.

13 In other words, to use a phrase our team
 14 has heard a lot related to this and other Air Force
 15 proposals, this is not a "done deal." It is far from it
 16 and may possibly never become a done deal. The only
 17 decision made thus far has been to proceed with the
 18 environmental impact analysis. The decision of whether
 19 or not to do this "something" and how to do it won't be
 20 made until the analysis is complete, hopefully this
 21 December.

22 I said I would tell you how you can be
 23 involved in the process. As the Judge told you earlier,
 24 there will be specific methods you can use to provide
 25 your comments. The primary thing you can do is to ensure

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1 your comment is relevant to the issues at hand. We are
 2 here to receive comments on the draft environmental
 3 impact statement. We are looking for feedback on
 4 environmental issues you might feel were not adequately
 5 addressed or not addressed at all. For instance, you
 6 might be a member of the Audubon Society and are aware of
 7 an endangered species in the region of impact we failed
 8 to address. Or maybe one portion of a discussion in the
 9 document was very confusing to you and you want to offer
 10 some suggestions on how we can make the explanation
 11 clearer. These types of comments are helpful to us and
 12 will be taken into consideration as we continue our
 13 analysis.

14 We won't, however, enter into a debate
 15 with anyone about the Air Force's policy on training or
 16 issues related to NATO alliances. If you have questions
 17 along these lines, I would refer you to the draft EIS,
 18 Chapters 1 and 2, and our fact sheets. These provide the
 19 Air Force's reason for what we're proposing, while fully
 20 realizing that not everyone will be in agreement with us.
 21 Again, our focus here tonight is the potential
 22 environmental impact of what we're proposing.

23 We don't have to have all inputs tonight.
 24 If you think of something tomorrow or the next day, you
 25 can send us your comments in writing. The comment period

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1 will be open until August 4. The mailing address is on
 2 the fact sheets that you might have picked up and also on
 3 the comment cards.

4 So, where are we at in the NEPA process?
 5 Like all proposed actions evaluated under NEPA, there is
 6 a schedule or time line that we are doing our best to
 7 adhere to, and on the slide, you will see all the key
 8 actions required by NEPA. And of course, we are in the
 9 July 7 to 12 period right now with the public hearings,
 10 and we have two more to do. June 20 was the beginning of
 11 the comment period, and like I said, 45 days are required
 12 to allow for public comments, that's through August 4
 13 and, immediately after that, we will start incorporating
 14 all the input and the changes and continue our analysis.

15 Our goal is to have a final EIS in early
 16 November with a final Record of Decision signed in
 17 December of this year. I hope that the information I
 18 have just given you has provided a clear understanding of
 19 what NEPA requires, why we are holding these meetings,
 20 and what we are trying to accomplish. Again, our goal is
 21 to ensure the decision maker makes an excellent decision,
 22 which will lead to excellent action, one that allows the
 23 Air Force to accomplish its mission while also protecting
 24 the human environment. They go hand in hand. This
 25 concludes my portion of our presentation.

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JUDGE HEUPEL: At this time, Lieutenant Colonel Hargarten will give you the details of the proposed action. Colonel Hargarten?

LT. COL. HARGARTEN: Thank you, Judge. I'm glad to be here tonight to provide an overview of this proposal to expand German Air Force operations at Holloman. Before I get into the specifics of what the Air Force is proposing to do, I would like to provide a little background on our relationship with Germany since World War II and our nation's current military strategy.

Since the 1950s, Germany has demonstrated a commitment to its NATO role. German aircrews have been training in the US in fighter aircraft since 1957. They have trained in F-84s, F-104s, F-4s and Tornados. Since 1992, the US has provided German aircrew training in F-4s at Holloman Air Force Base, and I was the Squadron Commander of that squadron for two years. And the German/US partnership was clear to see as we hosted German Air Force pilots to ensure our allied aircrews are trained to the same high standards as US pilots. This partnership has been especially useful since the end of the Cold War, as multinational allied actions became an even more important means of protecting our nation's security and promoting stability around the world; as the Soviet superpower and Communist bloc in Europe fell; and

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as the US began to withdraw its forces from Europe. All of these factors have made readiness and training more important than ever before because of a changing international environment, a greater diversity of risks and threats, and reductions in the US military budgets. This policy is reflected in the current National Military Strategy, which emphasizes international training and military exchanges.

For this approach to our defense to succeed, and for US and allied forces to be safe, we must provide US and allied aircrews with the highest caliber training. Combat readiness requires constant training, and that is another reason behind this proposal. The US and its allies must train the way they intend to fight. Responding to the government's new military strategy and increased risk demands a high degree of proficiency.

Increasingly sophisticated weapons require equally sophisticated training. There are three main components in today's aircrew training, low-altitude training, air-to-air training and air-to-ground training. Proficiency in all three is vital. We want to ensure that people fighting along side us are just as combat ready as we are. Holloman is well suited for further growth in the German Air Force training mission. In addition to having the infrastructure to support the

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1 12 Tornados already at Holloman, the base offers
 2 available land, airspace areas, support facilities, local
 3 community support, and the benefit of being located near
 4 the German Air Force command headquarters at Fort Bliss,
 5 near El Paso, Texas. These features contributed to the
 6 successful relocation of the 12 Tornado aircraft and 300
 7 support personnel at Holloman in 1996. Our proposal
 8 helps ensure continued combat readiness because it
 9 provides realistic training opportunities.

10 But another integral part of our mission
 11 is serving as a good neighbor and a good steward of the
 12 environment. That makes it important to us that you
 13 assist in the decision-making process for this proposal
 14 and at any time you have concerns about our operations or
 15 activities. Our Public Affairs phone number is (505)
 16 475-5406. Community input has been -- has already been
 17 gained in various areas to raise minimum flying altitudes
 18 over and distance from specific sensitive areas. We also
 19 work with the Federal Aviation Administration to reduce
 20 potential impacts to civilian aviation by providing
 21 advance notice when we are using many airspace areas.

22 In our role as caretakers of the
 23 environment, we believe that environmental stewardship is
 24 important and can be accomplished hand in hand with the
 25 military mission. We manage our military installations

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1 to sustain diverse environments and monitor the condition
 2 of natural resources, including air and water quality and
 3 land condition, to ensure there is little or no
 4 degradation. We work closely with agencies such as the
 5 Bureau of Land Management, the US Forest Service, and the
 6 US Fish and Wildlife Service, to protect and enhance
 7 resources and minimize impacts to the sensitive areas.

8 Now I'll outline the main components of
 9 the proposal to expand the German Air Force's presence
 10 and establish a German Air Force Replacement Training
 11 Unit at Holloman. The replacement training unit would
 12 function as a school for German Air Force Tornado
 13 aircrews. First, the proposal includes facility
 14 construction and relocating an additional 640 personnel
 15 to support training of German aircrews in the 30
 16 additional Tornadoes.

17 Second, it includes aircraft training in
 18 airspace throughout the region. And third, in order to
 19 meet the needs of the Tornado aircrews, three training
 20 options are considered within the proposed action,
 21 construction and operation of a new air-to-ground
 22 tactical complex at one of two locations on McGregor
 23 Range or use of existing military training ranges at
 24 White Sands and Melrose Range near Clovis, New Mexico, to
 25 accommodate training requirements.

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The beddown of 30 additional Tornado

aircraft would require construction of administrative and academic buildings, headquarters and operations buildings, a flight simulator, supply and maintenance facilities and hangars, and dormitories at Holloman Air Force Base. Construction would total over \$100 million. All the construction and relocation expenses directly related to the Germans would be paid for by the German Air Force.

A variety of airspace is needed to support the German Air Force mission. Airspace needs include military training for low-altitude maneuvers; military operations areas, or large areas of airspace where military aircraft practice air-intercept training; and areas restricted to military use. The proposed action would result in an addition of approximately 2,800 sorties on military training routes, 3,200 additional air-to-air or "dogfight" sorties in military operations areas or restricted areas, and 2,600 air-to-ground range sorties per year. Aerial refueling operations would also be performed. These sortie numbers are not cumulative. By that, I mean you simply cannot add up all those numbers and arrive at a total number of sorties that would be flown by the additional aircraft. A single sortie may include the use of a low-level training route,

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and then performing in-flight refueling, then use of a military operations area for air-to-air training and, finally, delivery of training ordnance on air-to-ground training range.

Currently the majority of the tactical air-to-ground training is conducted in White Sands Missile Range. According to national policy, White Sands' mission of research, development, test and evaluation has priority over Holloman's training mission. As a result, it is presently difficult to get adequate time to train in White Sands airspace. Adding 30 more aircraft at Holloman would only increase the problem. In addition, terrain features of the Red Rio complex and Oscura complex preclude their use for training in certain types of munitions deliveries.

We are looking at three options to meet air-to-ground training requirements of the Tornado aircrews. Two of the options involve construction of a new target complex for air-to-ground training on McGregor Range, which is currently controlled by the Army at Fort Bliss. One option is a location on western Otero Mesa, and the second option for the new target is a location in the Tularosa Basin portion of the range. If a new target complex were to be built, it would be comprised of a 2-by-4-mile impact area within a 12-by-15-mile safety

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1 area. Construction activities would be primarily
2 confined to the 2-by-4-impact area. No live ordnance
3 will be used in the new target complex.

4 Although not operationally desirable, the
5 third option is to use only existing ranges in New Mexico
6 to support the additional aircraft. These would include
7 Red Rio and Oscura on White Sands Missile Range west of
8 Carrizozo, New Mexico, and Melrose Range near Clovis, New
9 Mexico. These training options differ only with respect
10 to utilization of airspace and ranges. Aircraft would
11 access either the new target complex options or the
12 existing ranges using military training routes.

13 I will now review a few slides that orient
14 you on the location of these ranges.

15 JUDGE HEUPEL: Colonel Hargarten, before
16 you start, I notice some people fanning. Would you like
17 us to try the air conditioner and see how you can hear,
18 or are you good enough as you are?

19 MS. WEST: I'm good.

20 MR. ELLIOTT: I'm hot. Turn up the fire.

21 JUDGE HEUPEL: Let's try it for a little
22 bit, and if people have any difficulty hearing, let me
23 know. I opened this side door to see if we get a little
24 more ventilation, but the -- and we will probably need to
25 close this door now, but just give us an idea if you are

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1 having difficulty hearing, and we'll close it down.

2 LT. COL. HARGARTEN: Can you hear me okay
3 now?

4 AUDIENCE: (Nodding heads.)

5 LT. COL. HARGARTEN: This slide, to orient
6 you, Holloman Air Force Base is located here at the tip
7 of my pen. This blue area here is the White Sands
8 Missile Range. Just to the southeast of Holloman is
9 McGregor Range. The green area's the Beak MOA, Military
10 Operations Area. You are probably familiar with the
11 Pecos Military Operation Area, which is overhead. Down
12 to the south is Talon Military Operation Area. The 3,200
13 sorties I referred to would be flown predominantly in the
14 White Sands Missile Range, McGregor, the Beak MOA, the
15 Talon MOA and the Pecos MOA. And under the proposal --
16 well, I will get to those in just a second. Just
17 remember where the Pecos MOA is located.

18 Next slide, please. Very different slide
19 here. What it shows color coded are the different low-
20 level or MTR routes that are in the local flying area for
21 Holloman Air Force Base. Again, orienting you, Holloman
22 Air Force Base is the area, the green circle here at the
23 tip of my pen. You can see White Sands Missile Range.
24 You can see Santa Rosa up here to the north with the low
25 levels of VR-125 and IR-113 shown in green, VR-125 in the

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1 light blue. Melrose Range over here in Clovis.

2 The sorties, if a new range was built and
3 the 30 Tornados came, so we would have a total of 40
4 Tornados at Holloman, on VR-125, if a new range was built
5 on VR-125, the Tornados alone, and not counting other
6 aircraft, F-16s, although I can give you that number if
7 you need it, and it's located in the EIS, it would be 100
8 sorties on VR-125. If the range was not built and they
9 had to use existing ranges, there would be 400 sorties
10 over VR-125 by Tornado aircraft. On IR-113, if the new
11 range is built down here on McGregor Range down here,
12 there would be 170 sorties on IR-113, the area in green.
13 If the new range is not built, there would be 1,200
14 Tornado sorties on that.

15 The Pecos low MOA, because that's where
16 the noises would -- you would hear more noises from the
17 Pecos MOA which is overhead, to give you a few figures,
18 whether the new range is built or not built, there are 71
19 Tornado sorties in the Pecos.

20 The Melrose Range sitting here at the tip
21 of my pencil, if the new range is built on McGregor
22 Range, there would still be 140 sorties on Melrose Range,
23 but those 140 sorties would be for electronic and combat
24 training. If the new range is not built, there would be
25 1,597 sorties flown on Melrose Range because the range

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1 is, as I said in my script, over here on White Sands
2 Missile Range, the range is not compatible for their
3 training following the pattern. Next slide, please.

4 The next slide shows the range locations.
5 So under the existing range option, which I was just
6 referring to or sharing with you, they would be using Red
7 Rio Range, which is a tactical range located 45 nautical
8 miles north of Holloman, and Holloman is here. This is a
9 100 nautical mile circle, to orient you on the map.

10 Red Rio is a tactical range. It has a
11 simulated airfield complex, convoy surface-to-air missile
12 sites, much as is located at Melrose Range. It is not a
13 scored range. It is not manned. It does have a single
14 eye-drop target on this that would be used for training.

15 Oscura Range, 35 nautical miles north of
16 Holloman in the White Sands Missile Range, is a
17 conventional bombing range. It has like a few types of
18 targets, but it has two conventional targets with
19 concentric circles around them that are scored. It is a
20 manned range, and it does have strafe.

21 The target at McGregor Range is a single
22 target with concentric circles around it that is not
23 scored and not manned. And Melrose, as I said, is about
24 145 miles northeast, is both a tactical range and
25 conventional range.

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Next slide, please.

MS. WEST: Where is Fort Sumner?

LT. COL. HARGARTEN: Okay. I have to go back to the original map. Go back to the very first one. Here's Santa Rosa right here. So Fort Sumner --

MS. WEST: Where is that?

LT. COL. HARGARTEN: Pardon?

COURT REPORTER: Ma'am, I need for you to speak up, please.

LT. COL. HARGARTEN: I probably

shouldn't have been asking those.

MS. WEST: Were we inside the circle, is what I was wanting to know.

LT. COL. HARGARTEN: Okay, what I -- Judge, do you want to say anything here?

JUDGE HEUPEL: I will tell you what, if you could perhaps hold -- keep your question, and we'll come back to it in the clarifying part, it may be easier because I'm going to ask you to use the microphone so that everybody can hear and so the court reporter can get it and make sure she can get it as well. But since we already did it, the question was about the circle, whether Fort Sumner was inside the circle, and I think that's what you were asking. So is that something that can be answered off of this?

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LT. COL. HARGARTEN: Yeah. I have another more detailed map where you can see Fort Sumner on that in reference, and I can show it to you here during the clarifying period.

Next slide, please. Okay. This slide shows McGregor Range. To orient you, they have "Oro Grande" over to the west. There's County Road 506 that runs right through the range that's in red. Just to the north of it is another line they refer to on the mesa and off the mesa. What that is, is if you follow this green line through the range, at the tip of my pen, that defines an escarpment, a 700-foot escarpment. So this area is referred to as the Rondo Mesa, and the area over here is the Tularosa Basin.

Also on this slide, it shows these 2-by-4-mile impact areas. This would be the west Otero Mesa location. This would be the Tularosa Basin location. Access to the 2-by-4 areas would have to be controlled 24 hours a day. The fences around it would be BLM approved fences where the antelope can still go in there and graze, but the public would not be allowed in that 2-by-4 mile area, a little over 1,000 acres.

See here the very light red area, that's the safety fan I referred to that goes out 27,000 feet from the 2-by-4-mile area. That safety fan, access by

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1 the public, ranchers would have to be controlled when the
2 range was in use. On the weekends, sportsmen, during
3 hunting season, can hunt in this. Ranchers can check on
4 their cattle before or after flying or on the weekend.

5 These little blue lines coming out, the
6 blue lines are water pipelines coming down to some water
7 troughs that they use for the cattle on the range. If
8 you notice, there's one that goes through the west Otero
9 Mesa location that would have to be moved, and Ms. Parker
10 will talk about that shortly.

11 These other green lines represent

12 different grazing unit boundaries, and there is no
13 grazing off over here off the mesa, but beyond the mesa,
14 it does split into two different grazing units.

15 The airspace that would be -- that could
16 be used would include the modified military training
17 routes and restructured airspace in southern New Mexico
18 and west Texas that were contained in a separate proposal
19 by the Air Force and addressed in a final environmental
20 assessment, or EA, entitled "Proposed Airspace
21 Modifications To Support Units at Holloman Air Force
22 Base, New Mexico." That action also involved
23 establishment of an air refueling route. This EA has
24 been approved by the Air Force and is undergoing review
25 by the FAA. If this airspace modification is not

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1 implemented, existing airspace would be used to support
2 the increased Tornado aircraft. These differences in
3 airspace availability and utilization are taken into
4 account in the analyses of impacts in the EIS that we're
5 addressing today. Ms. Parker will discuss these impacts
6 shortly.

7 In addition to the proposed action and its
8 three training options, the EIS includes the no-action
9 alternative, which analyzes the environment without the
10 additional aircraft and aircrew relocation, target
11 complex construction, or change in airspace utilization.
12 This alternative does, however, include some other
13 actions that have already been adopted, such as the
14 change in F-111 to F-16 here at Cannon Air Force Base.

15 The proposal to expand the German Air
16 Force operations at Holloman is important to our country
17 because it advances our efforts to keep our nation and
18 vital interests safe through a strong and well-trained
19 allied team, despite the fact that US military forces are
20 much smaller today. Keeping this team ready requires
21 constant realistic training now more than ever before.
22 And central to this proposal and our ongoing mission is
23 our responsibility to serve as good neighbors and good
24 stewards of the environment.

Thank you for your attention. I

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1 appreciate the opportunity to make this presentation to
2 you tonight.

3 JUDGE HEUPEL: Ms. Parker will now
4 summarize the potential impacts from the Air Force
5 proposal and the alternatives.

6 MS. PARKER: This is probably the longest
7 portion, so please bear with me. Thank you, Colonel
8 Heupel.

9 This draft EIS describes the environmental
10 impact that was associated with the implementation of the
11 proposed action, which is to relocate 30 more German
12 aircraft and associated personnel and support facilities
13 to Holloman, as well as the three training options that
14 are part of the proposed action.

15 As Colonel Hargarten mentioned, there are
16 three main components of our proposal, construction at
17 Holloman to support the additional aircraft, personnel,
18 and the programmatic needs; training in airspace
19 throughout the region, as well as the three training
20 options to meet the air-to-ground training requirements.

21 We looked at three options to satisfy the
22 need for increased air-to-ground training. Two of these
23 options involve new construction on McGregor Range, and
24 the third option would increase the use of existing
25 ranges. We also looked at the use of airspace in the

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1 region. The Air Force has requested that the Federal
2 Aviation Administration approve modifications to military
3 training routes in New Mexico and southwest Texas and the
4 Talon military operations area in New Mexico. The draft
5 EIS examines the environmental effects of the proposed
6 action both with and without this modified airspace.
7 Also, as mentioned earlier, we examined the no-action
8 alternative, which considers not implementing the
9 proposal and, therefore, would result in no change or
10 impact to any of the environmental analysis categories.

11 I will discuss the overall impact to the
12 environment associated with implementing the proposed
13 action, impacts to airspace use and management,
14 environmental impacts of construction of the two new
15 target complex options, as well as the option of using
16 existing ranges. The existing ranges would be used under
17 all three training options, but their use would be
18 considerably higher under the existing range training
19 option.

20 Before going into any specific impacts, I
21 want to explain how the impacts of the proposed action
22 were compared to environmental conditions without the
23 proposed action. First, we described existing
24 environmental conditions in fiscal year 1995. However,
25 there are a number of actions that have already been

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1 approved that will occur whether or not the additional 30
 2 Tornados will be brought to Holloman. For example, in
 3 1995, the 12 Tornados that are now already at Holloman
 4 had not yet arrived. Also, a squadron of AT-38s at the
 5 base were deactivated just this year, and this was not
 6 included in the conditions that prevailed in 1995. In
 7 addition, Cannon Air Force Base has changed from F-111 to
 8 F-16 aircraft, and they are using some of the same
 9 airspace as the Tornados would use.

10 Therefore, to provide a baseline to
 11 compare to the proposed action, we projected the
 12 environmental conditions that could be expected to exist
 13 at the time the additional Tornados would be brought to
 14 Holloman. This projected baseline includes the ongoing
 15 actions that would occur between 1995 and the fall of
 16 1999, or first quarter of fiscal year 2000, when the 30
 17 Tornados would be bedded down. The draft EIS also
 18 discusses cumulative impacts from the proposed action in
 19 combination with other reasonably foreseeable Department
 20 of Defense actions which would affect Holloman Air Force
 21 Base and the airspace and ranges in the region.

22 At any given time, there are a number of
 23 potential actions that could include basing of aircraft,
 24 changing admission of aircraft at a particular base, or
 25 new construction at a base that the Air Force might be

1 discussing or contemplating. Many never make it past the
 2 discussion stage, but some do. It's not always possible
 3 to call it reasonably foreseeable actions during the
 4 early discussion stages. As an example, the beginning of
 5 the new F-22 Raptor aircraft is well under way, but the
 6 beginning process is not yet out of the discussion stage.
 7 Therefore, including the discussion of the possibility of
 8 basing an operational unit of F-22s at Holloman Air Force
 9 Base is not necessary because it is not now reasonably
 10 foreseeable.

11 The Air Force is also discussing the
 12 establishment of electronic scoring sites for bomber
 13 aircraft, and if the decision were made to pursue the
 14 proposal, sites had been proposed or would be proposed to
 15 be located in the mountainous west or southwest, but the
 16 definitive criteria necessary to formulate the
 17 discussion into a proposal has not yet been developed.
 18 Therefore, its precise location is also not reasonably
 19 foreseeable, and its analysis is not included in this
 20 EIS.

21 Now to summarize the findings of the draft
 22 EIS in the thirteen environmental areas analyzed in the
 23 document. Tonight's briefing is an overview of the
 24 general findings, and I urge you to refer to the draft
 25 EIS for any details about the resource impacts.

The first resource area we examined is airspace use and management. Our analysis found that there would be minor impacts to civil aircraft traffic due to increased operations at Holloman, and none of the three training options under the proposed action would result in significant airspace impacts.

The noise analysis examined impacts around the Holloman airfield and in the airspace and ranges that would be used. At Holloman and surrounding areas, about 41 acres are currently exposed to day-night average sound levels of 65 decibels or more. Day-night average sound level is a measurement that averages noise from multiple events, such as a jet taking off or flying overhead, over a typical or 24 hour period. The measure adds an additional 10 decibels to events that would take place between the hours of 10:00 p.m. and 7:00 a.m. because of the increased sensitivity at night.

By October of 1999, the affected area would increase to about 42 acres due to other ongoing projects. Implementation of the proposed action would increase this to about 47 acres, a change of about 12 percent. For either the west Otero Mesa or the Tularosa Basin training option, sound levels under most affected airspace away from Holloman would remain essentially constant or increase by a few decibels. In no case would

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average sound levels increase by more than 6 decibels. Under the existing range training option, sound levels under affected airspace would increase negligibly at most locations, or decrease in some instances, but there are instances, such as under the Pecos military operations are near Fort Sumner, sound levels would increase by as much as 13 decibels, from their existing levels of about 45 to 46 day-night average sound level to about 57 to 59 decibels.

Except at the air-to-ground ranges themselves, none of the airspace areas, military operation areas and training routes, would have an average noise level of above 65 decibels under any of the options.

The actual sound generated by an individual overflight depends on the type of aircraft, its altitude and speed and other factors. As an example, the maximum sound level on the ground directly under a Tornado flying at 100 feet ranges from 117 to 124 decibels. At 500 feet away, which is, by regulation, the minimum distance an aircraft can be flown to a person or structure, a Tornado would generate a maximum sound level of 102 to 108 decibels.

Increased operations at Holloman Air Force Base would result in increased noise over portions of

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1 White Sands National Monument. Other changes in
2 overflights in affected airspace would result in
3 negligible changes in sound levels in most locations,
4 with no significant effect on land use. In some areas
5 east of the McGregor Range and southwest of Artesia,
6 particularly where airspace units overlap, there would be
7 a noticeable increase in the number of overflights that
8 could be annoying to residents, as well as
9 recreationists. Under the existing range training
10 option, areas near places like Capitan Mountains and
11 Sunner Lake would experience higher overflight increases
12 that could also be annoying to recreationists. However,
13 even with the increases, the total number of overflights
14 would remain low with any one location unlikely to be
15 overflowed more than once per day.

16 Construction of a new target complex at
17 McGregor Range would result in a reduction in access to
18 portions of Otero Mesa that are south of Highway 506 by
19 recreational, BLM workers and ranchers. Access for
20 livestock management, for example, would need to be
21 scheduled around times that the complex is being used,
22 which is estimated to be approximately 60 hours per week.
23 Livestock grazing would be able to continue, however,
24 even when the complex is being used. If the new target
25 complex was constructed on western Otero Mesa, about

1 5,200 acres would be removed from grazing. Under the
2 Tularosa Basin option, no land would be removed from
3 grazing, but access to portions of Otero Mesa would still
4 be restricted for people while the target complex would
5 be in use. Neither option would affect access along
6 Highway 506 itself.

7 Air quality would not be specifically
8 impacted by the proposed action. There would be
9 temporary increases in air emissions during construction
10 of facilities in Holloman and if the new tactical targets
11 were built, but these emissions would not result in
12 significant impact to air quality conditions, including
13 visibility conditions. Aircraft emissions would also
14 increase, but not at levels and not to affect adherence
15 to our national ambient air quality standards.

16 Potential impacts to biological resources
17 from implementing the proposed action would include
18 habitat loss, habitat modification, changes in habitat
19 use by animals, loss of animals, as well as temporary
20 disturbance from the noise.

21 About 36 acres of vegetation with limited
22 wildlife value would be disturbed at Holloman itself for
23 construction of the facilities. In addition, an existing
24 building that is used by bats as a roost would be
25 demolished. Burrowing owls in the vicinity of the

1 present, however, would be relocated. There would be no
2 impact to threatened or endangered species or to
3 wetlands.

4 Other potential impacts would include
5 continued disturbance of vegetation and habitat at
6 existing ranges and continued temporary wildlife
7 disturbance from the noise under existing airspace.
8 Aircraft flights would increase over much of the existing
9 airspace compared to the baseline, but the increases
10 would be small and result in small increased potential
11 disturbance to wildlife. Peregrine falcon and Mexican
12 spotted owl nests would potentially be overflowed more
13 frequently in the area of the Lincoln National Forest,
14 Sacramento Mountains, and Gila Wilderness in New Mexico
15 and the Apache-Sitgreaves National Forest in Arizona.
16 Southwest willow flycatcher nest habitat along the Rio
17 Grande and in Arizona may also be overflowed. Similarly,
18 bald eagle winter concentration areas in west-central
19 Arizona, the portion of the Rio Grande in the region
20 around Elephant Butte Reservoir and Brantley Lake and
21 Santa Rosa Lake along the Pecos River potentially would
22 be overflowed more frequently. The daily overflight
23 increases would be relatively small and result in a low
24 impact to protected species. Consultation with the US
25 Fish and Wildlife Service has begun and will be completed

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1 prior to use of airspace to implement the proposed
2 action.

3 Impacts associated with construction and
4 use of a new target complex on the west Otero Mesa would
5 result in a net loss of between 500 and 1,040 acres from
6 construction of targets, firebreaks and roads. In
7 addition, annual redistribution would occur during
8 ordnance cleanup and maintenance. Use of inert ordnance
9 and flares would increase the potential for fires within
10 the impact area. Up to 46,000 linear feet of Waters of
11 the US may be affected under this option. Loss of
12 grassland and shrubland vegetation would result in a
13 minor loss of wildlife habitat, including habitat for
14 burrowing owl, aplomado falcon, black-tailed prairie dog
15 and grama grass cactus habitat. Also, wildlife would
16 probably avoid the new target complex while inert
17 ordnance was being dropped and during cleanup and
18 maintenance because of human presence and maintenance and
19 noise. Increased aircraft sorties would result in more
20 frequent overflights of wildlife on McGregor Range. For
21 example, wintering bald eagles, nesting raptors such as
22 the red-tailed hawks and northern harriers and bat
23 habitat, including potential roosts along the escarpment
24 and feeding areas and watering sources would be overflowed
25 more frequently.

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Impacts associated with construction and use of a new target complex in the Tularosa Basin would include short term loss of virtually all 5,120 acres within the impact area because of the need to remove existing ordnance before construction gets started. In addition, an annual redistribution of about 1,040 acres would occur during ordnance cleanup and maintenance. The use of inert ordnance and flares would also increase the potential for fires under this option. About 33,240 linear feet of Waters of the US may be affected by the construction and use of this option. Loss of the grassland and shrubland and vegetation would result in a loss of wildlife habitat, including habitat for aplomado falcon and night-blooming cereus. As with the west Otero Mesa option, wildlife would probably avoid the new target complex during dropping of inert ordnance and during cleanup and maintenance because of human presence as well as the noise.

Using only existing ranges would result in slightly higher aircraft use of IR-113 and VR-176 compared to the no-action alternative. The increased use of VR-176 would result in a small increase potential for overflight of habitats of peregrine falcons, Mexican spotted owls, bald eagles, whooping cranes, and southwest willow flycatchers.

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Impacts from the proposed action to cultural resources at Holloman Air Force Base, under airspace areas, or at existing ranges would be negligible. If a new target complex were constructed on west Otero Mesa, 17 sites eligible or potentially eligible for placement on a National Register of Historic Places could be impacted. If a new target were constructed at Tularosa Basin, 29 sites eligible or potentially eligible for National Register could be potentially impacted.

Water resources will not be impacted by the airspace components of the proposed action. Construction and new facilities at Holloman would result in increased runoff, but common engineering practices would be used to prevent any serious problems resulting from the runoff. Increased use of existing ranges would result in negligible impacts caused by runoff, and there is an increased potential for soil erosion during heavy rain. However, resulting impacts to surface waters would be minimal. Increased soil erosion and sediment transport could result from construction and operation of a target complex in the Tularosa Basin, but the impacts would be negligible. Impacts from the west Otero Mesa option would be similar. In addition, there is a chance that water resource improvements, such as pipelines,

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1 water tanks, and pump houses, could be damaged by inert
2 ordnance. These improvements would be relocated as
3 necessary or repaired to ensure that the availability of
4 water for wildlife and livestock is maintained.

5 There would be a 12 percent increase or
6 approximately 13,500 pounds in hazardous waste generated
7 per year and an increase in use of hazardous and toxic
8 materials at Holloman Air Force Base. Hazardous
9 materials and waste would be accumulated and disposed of
10 in accordance with established procedures and would
11 result in no significant impact on the hazardous material
12 and waste management practices. Hazardous materials and
13 waste management are largely unaffected by airspace
14 utilization. Munitions on existing ranges would
15 increase, but Air Force ranges are cleared annually of
16 scrap metal, which is disposed of through existing orders
17 and regulations. Under any of the training options,
18 munitions use would generate about 150,000 pounds of
19 nonhazardous scrap metal each year. Again, since the
20 cleanup and disposal procedures are in place to handle
21 this waste, there would be no significant impact to the
22 environment or hazard from this activity.

23 The proposed action would result in an
24 increase of 640 military personnel at Holloman and
25 generate about 110 construction jobs. Annual wages and

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1 purchases in Otero County would increase by 10 percent to
2 about \$18.2 million, with the potential for other
3 additional infrastructure improvements. There would be
4 no significant impact to regional socioeconomic
5 attributes, such as employment, construction, police or
6 fire protection. Cost of construction of a new target
7 complex on the west Otero Mesa is estimated at \$4
8 million, and the Tularosa Basin option cost is estimated
9 at \$20 million. Airspace utilization has little effect
10 on the socioeconomic conditions.

11 The only transportation impacts resulting
12 from the proposed action would occur in the city of
13 Alamogordo itself. Although the proposed action would
14 result in a relatively small increase in traffic, there
15 would be an adverse effect on traffic conditions,
16 potentially increasing congestion on the main road going
17 through Alamogordo.

18 Utility use at Holloman would increase
19 between 6 and 13 percent under the proposed action, but
20 the increase would be within existing levels of service.
21 Alamogordo utility use -- water, waste water treatment,
22 waste disposal, and electric and natural gas supply --
23 would increase from 3 to 6 percent. There would be no
24 impact on the utility changes -- on utilities from
25 changes in airspace or the range use. If a new tactical

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1 target complex were built on west Otero Mesa, a portion
 2 of existing water lines and a stock tank may need to be
 3 relocated. The other training options would have no
 4 effect on utilities.

5 Construction at Holloman Air Force Base
 6 and Red Rio and Oscura impact areas at White Sands
 7 Missile Range could affect soils, but because of the
 8 present condition of these areas, the impact would be
 9 minor. Increased live munitions drops at Red Rio could
 10 increase vegetation loss and potential for soil erosion.
 11 While increased use of live ordnance at Red Rio could
 12 result in increased contamination from uncombusted
 13 explosives, past use was found to have caused negligible
 14 soil contamination. If the Tularosa Basin new target
 15 complex were constructed, virtually 100 percent of the
 16 5,120-acre impact area would be heavily impacted; that
 17 is, all vegetation would be removed in order to clean up
 18 existing unexploded ordnance. If the west Otero Mesa
 19 target complex were constructed, approximately 20
 20 percent, or about 1,040 acres, of the vegetation would be
 21 removed. Soil conditions would be unaffected by airspace
 22 utilization.

23 Safety impacts resulting from facilities
 24 construction would be negligible. There would be a minor
 25 increase in the risk of aircraft mishaps and bird-

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1 aircraft strike if the proposed actions were implemented.
 2 Although munitions use and handling would increase over
 3 the current conditions, range operating procedures are
 4 already in place to ensure safe operations, so no
 5 significant impact is expected under any of the training
 6 options. There is potential for increased fire risk if
 7 one of the new target complex alternatives is selected.

8 The effects of this proposed action, along
 9 with other actions which have been recently implemented,
 10 such as the 12 Tornados that were brought to Holloman
 11 last year, and actions which would be implemented in the
 12 reasonably foreseeable future, such as the change of the
 13 F-16s at Cannon Air Force Base, were addressed in the
 14 draft EIS cumulative impact analysis. A comparison was
 15 made between conditions as they prevailed for fiscal year
 16 1995 and those that are projected for fiscal year 2000
 17 under the proposed action. For most resources, no
 18 significant cumulative impacts would occur following
 19 expansion of the German Air Force operations at Holloman
 20 Air Force Base. These resources include airspace
 21 management; air quality; archeological, culture and
 22 historical resources; water resources; hazardous material
 23 and waste management; safety; utilities; transportation;
 24 and soils. In most cases, cumulative impacts would be
 25 related to increases in aircraft operations and

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1 associated noise, which could affect land uses and
2 biological resources. Other activities, such as timber
3 harvesting and grazing, could add to habitat impacts,
4 although the impacts would be minor. Other projects in
5 Alamogordo could also affect employment and economic
6 activities in the area.

7 To summarize, the environmental impacts
8 from the proposed action, most locations would receive
9 negligible impact to the environment. Areas that are
10 projected to be most affected, if the proposed action
11 goes forward, are areas near Alamogordo because of the
12 increases in employment, population, traffic and aircraft
13 operations at the base; areas near Carrizozo because of
14 an increase in nearby overflights; areas west of Truth or
15 Consequences, in which threatened and endangered species,
16 such as the bald eagle and Mexican spotted owl, could be
17 disturbed by the increase in potential overflights; the
18 Fort Sumner area because of the potential increase in
19 nearby overflights if there is an increase in the use of
20 Meirose Range; near Dell City because of the increase in
21 nearby overflights; and the Alpine/Marfa/Fort Davis area
22 could experience increased nearby overflights if
23 expansion of the German Air Force operations is approved.
24 Thank you for your interest and your attention.

JUDGE HEUPEL: At this point, I will

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1 entertain any questions that may clarify what a speaker
2 said. And I believe it's Ms. West, you had asked a
3 question, and I think they are going to have to get the
4 nautical charts out and take a look at that at the break
5 for where you were talking about, and I will just ask
6 Colonel Hargarten to summarize that when we come back on
7 before we actually start the comment period.

8 But are there any other questions with
9 regard to what one of the speakers talked about? If
10 somebody has a question to clarify what they said, I will
11 entertain that now and have you come up to the
12 microphone. Otherwise, if you've got some general
13 questions, as far as the EIS or the proposal that you
14 want to make comments, we will entertain those in the
15 comment section, and those will be addressed in the final
16 EIS. Is it Mr. Elliott?

MR. ELLIOTT: Yes.

JUDGE HEUPEL: If you've got some
18 clarifying questions, come on up to the microphone,
19 please, so that everybody can hear.

MR. ELLIOTT: I've got several questions.
22 I don't know whether they are excluded from your comment
23 or excluded from the draft portion of the EIS, but we're
24 getting a lot of sonic booms. I have been trying to log
25 them down in a little pocket organizer. A week ago we

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1 had two the very same day a week apart. My neighbor over
2 here flies. I used to fly. But we were always taught
3 that sonic booms were supposed to be restricted for
4 across waters or some other places out, not over our
5 houses, continuously. I don't know whether you got sonic
6 booms to address in this statement or save it for later,
7 but --

8 JUDGE HEUPEL: Well, actually, let me put
9 it this way. As far as the Tornado, we can cover it with
10 the Tornados, should they be involved in any sonic
11 booms.

12 LT. COLONEL HARGARTEN: The Tornado will
13 not only do their supersonic flying on a test mission,
14 and there's very few of those a year, and they will all
15 be done in White Sands Missile Range, so you shouldn't be
16 hearing those over here, the Tornados.

17 JUDGE HEUPEL: As far as what you're
18 getting now, if you want to expand on that during your
19 comment section, that would be fine, but to clarify what
20 she said, it would really be what the Tornados are
21 supposed to do.

22 MS. PARKER: I would also propose that
23 there would be an additional 24 supersonic --

24 JUDGE HEUPEL: Additional 24
25 supersonic what?

1 MS. PARKER: Tornado sorties all
2 occurring on White Sands Missile Range.

3 MR. ELLIOTT: Have a Freudian slip
4 there? Is Melrose Range closer to Fort Sumner than it is
5 to Clovis?

6 MS. PARKER: White Sands Missile Range.

7 MR. ELLIOTT: There you go. VR-1198/1107,
8 which goes right over the top of my house, was not
9 addressed in the EIS changes. We were told there would
10 be fewer sorties in the environmental assessments and
11 there are going to be more. Are you-all planning on
12 using the Taco Guard VR Route or 100 foot AGL route?

13 JUDGE HEUPEL: Colonel Hargarten?

14 LT. COL. HARGARTEN: All of this is in --
15 all of the low levels that we are going to be using are
16 addressed in the EIS, and the numbers you've just said,
17 the ones they are going to use, VR-100 and 125, IR-113
18 are the low levels that are near here and also further
19 over to the west are the IR-133 also.

20 MR. ELLIOTT: I'm approximately about 125
21 and 100. The 100 was not depicted on the map.

22 LT. COL. HARGARTEN: Well, 100 is just the
23 opposite of 125, so when I say 125 what happens is some
24 of the routes, they have two different numbers. For
25 example, there is another IR-2 -- and 141 is the same

1 route, one as you are flying clockwise and one
2 counterclockwise.

3 MR. ELLIOTT: And I don't know how you
4 want to go here or not, the assumptions by the FAA and
5 United States Air Force is what's really concerning me.

6 JUDGE HEUPEL: I would rather hold that
7 for your comment section, sir. Are there any other
8 clarifying questions at this juncture?

9 JUDGE HEUPEL: Ms. West?

10 MS. WEST: I would like to ask one
11 question about, you are talking about the decibels. Can
12 you compare the Tornado to the F-16 noise level, please?

13 MS. PARKER: Actually, in the EIS there is
14 a chart that gives both the F-16 and Tornado levels,
15 Chapter --

16 JUDGE HEUPEL: Is that about C-5? Do you
17 recall from last time?

18 MS. PARKER: C-5, C-9, and during the
19 break, I will let you take a look at it.

20 JUDGE HEUPEL: Why don't we take a
21 ten-minute comfort break, give the court reporter a
22 little bit of a rest as well, and then we'll come back in
23 for the comment portion. I know we've got a couple of
24 people that came in right after we started. If you would
25 like to make comments and haven't already indicated on

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1 the silent card that you would like to speak, go ahead
2 and check that back at the registration table. And if
3 any of you that came in did not indicate you wanted to
4 speak and now would like to speak, you are welcome to
5 change that as well. We will break for about ten
6 minutes.

7 (Recess taken.)

8 JUDGE HEUPEL: Ladies and gentlemen, we
9 will go ahead and start the comment portion. I will
10 recognize each person, and what I'm going to do, I've got
11 four cards here, and I'm going to shuffle them and take
12 them in random order so each person has an equal
13 opportunity to be first or last. I'm going to ask you to
14 come up to the microphone and speak to that and address
15 your remarks to me as the Hearing Officer. I'm just
16 going to ask that you exercise a reasonable time limit
17 on this. I will give you obviously a sufficient
18 opportunity to speak, but I'm not going to limit it to
19 five minutes, which is what we've normally done, but ask
20 you to keep it reasonable so we can get everybody in
21 tonight.

22 And the last thing is, we can only have
23 one person speaking at a time. And so while someone is
24 speaking, I ask other people not to speak. If you have
25 questions that are part of the comments you have, they

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1 won't be answered, actually, here, but they will be
 2 answered in the record itself. There are a number of
 3 different experts that have to take a look to provide a
 4 good answer, and those will be addressed, if you have
 5 such questions, in their final EIS. Okay, as I shuffle
 6 the cards. The first speaker -- I'm sorry, yes, thank
 7 you. Colonel Hargarten, you were going to summarize the
 8 answer for Ms. West.

9 LT. COL. HARGARTEN: We clarified at the
 10 break Fort Sumner does sit under Pecos MOA, but -- next
 11 slide -- this 100 nautical mile ring we have in the
 12 charts just to orient us in the map, the question was,
 13 does Fort Sumner sit inside that. The answer is no, it
 14 does not because it is up here outside the 100 nautical
 15 mile range.

16 JUDGE HEUPEL: Thank you, Colonel

17 Hargarten. And the first speaker would be Mr. Elliott.

18 MR. ELLIOTT: My name is A. S. Elliott.

19 E-l-l-i-o-t-t, and I've got a box over there that
 20 represents 17 years of trying to be good neighbors with
 21 the United States Air Force. I'm disturbed with the
 22 attitude that the Air Forces takes. I am disturbed with
 23 the FAA, that they just pass it off. And it's almost
 24 verbatim, but using all of these documents, "it's a
 25 sparsely populated, prime agricultural producing area.

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1 The disturbance is going to be minimal."

2 I've filed three claims for the last three
 3 years for actual, verifiable damage to my livestock and
 4 ranch facilities. Dealing with -- I don't know if you
 5 know Major Eugene Kirchbaum, I wrote him a nine page
 6 chronology explaining my first claim three years ago
 7 involving F-111s. Trying to deal with you guys is trying
 8 to deal with a very difficult organization. Trying to
 9 explain what we have suffered continuously for three days
 10 and three nights, and that I may not be able to go with
 11 my family to a Christmas Eve program in El Paso, Texas,
 12 back in '94, I believe it was because I was having to get
 13 up every morning and chase my livestock in the back
 14 fields. This you do not pay in your claims. All you pay
 15 for is the fence posts, some spools of tying wire and
 16 time, but it's ongoing. It's continuous.

17 What we were told in the environmental
 18 assessment when the transition took place from the F-111s
 19 to F-116s is, "Sorties are going to be fewer. Flights
 20 are going to be higher." We get the final document, it's
 21 just the reverse. It's just the opposite. My house lies
 22 right underneath "Taco Guard" New Mexico Air National
 23 155th Group, originated 165. It's now 1100/1107. All of
 24 a sudden it was there. The environmental assessment
 25 supposedly or purportedly under NEPA was 193 sorties by

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1 Air Force, Marine, Navy jets -- 100 foot right over the
2 top of my house. Here's a picture of an A-7 that is well
3 below 100 AGL, but we were subjected to this, and I can
4 ask my neighbor to verify. Also, we are on horseback, in
5 our feed truck and moving cattle, and these sorts of
6 things continue to happen.

7 Back to the notes. I appreciate having
8 the opportunity this year to be able to comment and
9 provide written commentary because in 1990, for some
10 maybe definite reason, Fort Sumner and De Baca County
11 were excluded from the news releases. But then I had a
12 1987 agreement with the Air Force that they weren't going
13 to -- that you weren't going to fly over my ranch. When
14 I left to move my family back, I didn't sell the ranch, I
15 didn't sell the house, I didn't sell my cattle, but you-
16 all just rescinded the agreement. I can feel sympathy
17 with the Indians on the broken treaty promises. 17 years
18 of trying to work with you guys, going through it, the
19 dog and pony shows, and jumping through the hoops, again
20 for two of the last three claims, two of the last three
21 years. I called and told them my plans. We have to tell
22 the United States Air Force what we are going to do on
23 our ranch to ask for nondisturbance. They told me there
24 was no one in the office. I left a message, and then it
25 was transferred to the Public Affairs office again

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subsequently.

The irony of this, you didn't want to get
into politics while the German Air Force Base is here,
but those people that used to ranch on White Sands after
55 years have never been compensated for the taking of
their ranch property, their federal permits, their forest
permits, their BLM, as well as their years. One of the
reasons for that taking was, again, the German Army and
Air Force, and they have yet to be compensated.

Again, the assumptions were from the FAA.
When was the FAA ever out here? I talked to one guy at
Langley headquarters several years ago. I held my phone.
up to the window. The B-1-Bs, B-52s, F-16s and F-111s at
Holloman were having a little dogfight outside my window,
and I said, "How can you stand that assumption made by
the FAA that disturbance is going to be minimal back when
I had a noise documents back on 1198/1107?" They didn't
have any flights for a 100 feet; I think their lowest was
for 200. But averaging out this decibels in a 24-hour
period, when you sit underneath F-16s, F-15s, F-4s, F-16s
F-111s and occasionally a B-52 and B-1-B, you experience
the noise, and it's not just a fleeting, passing moment,
10, 15 minutes, sometimes, and it goes off a little bit
and here they come back again.

What about Reese? Reese is history now?

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1 Are you planning on using any Reese MOA or airspace?
 2 There's no mention of it in any of your flight rules,
 3 FAA, 500 foot separation laterally, particularly when
 4 these boys, especially the Taco Guard, under low level
 5 routes, they can't see us at 100 feet. So they sit there
 6 and conflict that they are supposed to be 500 feet above
 7 us and above our houses and above our person, but they
 8 don't see us. Isn't there a conflict there? That wasn't
 9 a 100 foot route that they can do or should do. There's
 10 numerous documents that they didn't see us. Well, you
 11 are supposed to see us, visual flight route. Continuous
 12 abuse of that, the claims. Again, a lot of times
 13 airspace doesn't allow aircraft to be in that space. So
 14 bottom-line summation, "We know nothing about it. It
 15 didn't happen. We weren't there. Can't do anything
 16 about that." I have had that happen several times.

17 Again, I just -- I have had a history of
 18 trying to work these things out and speaking with you
 19 people and filing papers and working with congressmen,
 20 but it falls on deaf ears or you explain it away. Two,
 21 three months ago, I asked why an F-111 came over the
 22 house. The explanation was they split the NSA two ways
 23 and used the Santa Fe/Burlington Northern Railroad Track
 24 as a reference point. It had nothing to do with the
 25 verification of their altitude above the top of the

1 house. But again, I know all of you. I guess we are all
 2 adults. I know CYA, all your boys know CYA, to diffuse
 3 and compromise our position and, again, our rights are
 4 being reduced and compromised, because you-all don't have
 5 100 foot low level routes over Albuquerque. When they
 6 changed north, west, south a while back, photo and news
 7 cameras went around town. But then why are our rights
 8 being compromised down here? Again, with the assumption
 9 by the FAA, "Well, there's a few people out there."

10 We tried to get along. We tried to work
 11 with this and do the dog and pony show, go over to Cannon
 12 and do all their presentations, conflicts. Again, with
 13 the Gulf War, the first few days, the first few areas,
 14 aircraft were launched at a low-level target area. You-
 15 all figured out it was better to stay up here, drop those
 16 SMRT bombs from up here. Why do we need 100 low-level
 17 foot routes over the top of our houses? That's all I
 18 wrote down.

19 And I plan to address a written comment on
 20 this, and you will probably have some verification from
 21 documents, the conflicts that arise, and the explanation
 22 and the extra effort that we have to do and hang a camera
 23 around our necks to verify what we see. If you like to
 24 see, I will show you this while up here, but these are
 25 the things that we are subjected to.

(Photos to Judge Heupel.)

JUDGE HEUPEL: Let me ask you, sir. Do you want to keep those, or do you want to submit those for the record, or do you have -- do you have copies you can make and send?

MR. ELLIOTT: I will make some copies for you, but just for your point of reference there, those are A-7s, and no they are not flying anymore, and all I have got is history. But I have been told promises from one meeting to the next, "These things are not going to happen," yet they continue to happen. Thank you.

JUDGE HEUPEL: Thank you, sir. This one right here. Leona West?

MS. WEST: I was hoping I would be -- well, first off, I want to say we are as patriotic as anybody. We are very proud of our Air Force, all our military people, and we have tried to assure all of them we are not the enemy, either, though. We have had problems. Jake and I raise ostriches here in the valley, and we have been having trouble with Cannon Air Force Base. We lost about 145 to 150 little birds last year due to stress. We lost three of our main breeder birds. They panic and run into the buildings and fences and break their necks. The other birds tore down fences. We had to replace nearly all of our fences this year,

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windows, and there was a whole lot of damage. This was from the F-16s. And we had contacted the Air Force base a number of times.

I know we are on their map with their little red marker, and we have talked to them many times, and we are invited over to an air show that they had, so I was particularly paying attention to the F-111 and F-16 which Cannon had. And then when we met with the colonel a little later, we told them the F-16s are a lot louder than the F-111, and they said they didn't hardly believe that. They said those F-111s are loud, and I said, "Yes, they are loud, but it's a different sound. It's a different pitch. When most planes go by, they make a puff sound and they are gone, but with these F-16s," I said, "that sound just goes on and on and on, as my husband probably mentioned many times, for 16 seconds, I don't know how far, but about the time you think it's gone, then it turns around and comes back." We have had had the F-16s dogfight over our pens, our ostriches were kept in. We saw them over the pens one day. That was the day we lost our breeder birds, and like I said, then come down fences and busted windows out of buildings and everything.

We have gone -- my husband and I are both native New Mexicans. We have had opportunities to go

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1 other places, but we like the lifestyle here. We like a
 2 quiet lifestyle. I like being able to wake up in the
 3 morning and hear the birds and different things, and it
 4 seems like the noise pollution is getting worse and worse
 5 and worse, because every time they come up with a new
 6 plane, these things are louder and louder and louder,
 7 and there's more planes. Now we know our boys need
 8 training. We want them to be the best trained in the
 9 world, but I don't think we need to train other people
 10 from overseas. We have enough airplanes here in the
 11 state of New Mexico. Now we are inundated with noise
 12 from planes at all times.

13 We again had talked to Cannon and Reese
 14 Air Force Base. I guess Tex didn't know this, but the
 15 colonel told us that they were applying for the already
 16 established airspace that Reese had had, and I think
 17 that's the reason why they have not been flying over here
 18 as often as they used to, so we were real proud of that,
 19 you know. We have been doing a lot better with our
 20 little birds so far, but the last two days have been kind
 21 of bad flying low.

22 We are down in the valley where our house
 23 is located. It's where they call the keyhole. It's
 24 lined up with the air base, and they have to fly at least
 25 1,500 feet there, but where our birds are at is a little

1 farther, a few miles from us, just on the edge of the
 2 valley, they fly at 500 feet, and we know those planes
 3 come across and they are using the valley marker at 500
 4 feet.

5 Well, when they get to the edge, they are
 6 not going to do this abrupt turn and move 500 feet where
 7 we are standing up there, and I have seen them go across
 8 myself where I could see the heads of the pilots very,
 9 very plain, so that's pretty low. And this is -- it's
 10 the noise is the main objection that we have. When you
 11 are doing all of these environmental impact studies, do
 12 they do studies on what damage does to people? Do they
 13 do studies on what this does to domestic animals? You
 14 know, these are things that need to be addressed. I
 15 think we are certainly the majority, not the Mexican owl
 16 and these other things they seem to be so concerned
 17 about.

18 And this is, like I said, if there was
 19 just some way to do away with the noise, there wouldn't
 20 be so much objection to so many planes flying, but we
 21 have been so happy that we have had fewer flights over
 22 and now you are talking about bringing in the Germans.
 23 I'm old enough that my dad's generation and our
 24 generations, we remember we had to fight these people,
 25 and I'm not real thrilled about them being over here on a

1 permanent basis, myself, and maybe I'm old fashioned, but
 2 that's just the way I feel. I'm sorry. Thank you very
 3 much.

4 JUDGE HEUPEL: Thank you, ma'am. The next
 5 speaker would be Jake West.

6 MR. WEST: Well, she told you a lot of
 7 it, of course. I just don't know why we need those
 8 Germans over here. I had a brother that fought World War
 9 II, was going to Normandy all the way to meeting the
 10 Russians in, oh, Austria, and lots of his buddies, we
 11 lost lots of boys from Fort Sumner over there fighting
 12 them Germans. And I lost a brother that was in the Air
 13 Force in World War II, and he went down with a B-25 in
 14 India, the 13 Air Force.

15 We are real proud of all of our
 16 servicemen. I had a brother wounded in the Marine Corp
 17 in World War II in Iwo Jima and Okinawa, but I don't -- I
 18 can't see any benefit to this to us. Let the Germans fly
 19 our planes in Germany. They can be trained over there.
 20 I don't trust them, and I don't like those Jap's today
 21 because they killed -- my brother was killed on account
 22 of them bombing Pearl Harbor. Of course, I was still in
 23 school, so my mother wouldn't sign, being three of us was
 24 over there fighting.

25 I had five nephews serve in Vietnam. So I

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1 realize that we have to have the best Air Force in the
 2 world to stay free, so I don't see training the enemy.
 3 But this noise is every -- it wasn't 16 seconds, it was
 4 60 seconds coming over our house and knocked -- this one
 5 really hurt. They knocked down the concrete where our
 6 house was, where our fences were, and here, three or four
 7 months later on October the 16th, they scheduled these
 8 exercises knowing we was right there and did all kinds of
 9 flights over our fences after we talked to them.

10 They told us, "You can turn in the
 11 claims." And I said, "We are not that kind of people.
 12 We've always dealt with looking you in the eye and
 13 discussing it, and regardless of 500 feet or 1,500 feet,
 14 it it's wrong, it's wrong, and change it."

15 It's been better this year than it had
 16 been, but ostrich had no research, but they react. They
 17 are a very nervous type of bird. They are good to eat.
 18 The boots are good to wear. We raised food here in this
 19 valley for the last 80 years. I think food is pretty
 20 important. Go with without two or three days, if you
 21 don't think it is. But the ostrich is a very good meat,
 22 and very little fat, very little cholesterol, and there's
 23 quite a challenge.

24 Our oldest son took an interest to that,
 25 and he had a master degree from Oregon State University

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1 in genetics, and that's all he's ever been interested in,
 2 and that's the only reason that we got into this thing.
 3 Of course we have invested everything that -- our life's
 4 savings, and my brother that was -- he was graduated from
 5 Annapolis, spent 31 years in the Navy, he was on
 6 submarines, and he was one of the chiefs of staff for
 7 several years before he retired. But we will support the
 8 military. We don't want to do anything.

9 We haven't turned in a claim, but we
 10 should because we really took a whipping last year. So
 11 far we're doing better this year, and we learned some
 12 things, but there's no research. Nobody knows that much
 13 about the ostrich. So that's -- I think I've said too
 14 much already, thank you.

15 JUDGE HEUPEL: Thank you, sir. And the
 16 last speaker I have would be Paul Horney, I believe.

17 MR. HORNEY: Thank you, sir. Thank you
 18 for the opportunity to come. I didn't come tonight to
 19 talk. I hate to -- I hate confrontations, but -- and the
 20 three speakers that spoke before me, all three have said
 21 a piece of something I wanted to say. But I have lived
 22 here for 50 years and my father before me and my
 23 grandfather before that, and I raised my family there
 24 because we liked the environment.

25 We don't have the military background that

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1 Jake and his family have, but we're, I think, supporting
 2 the military. The problem I have with the military, you
 3 were talking a while ago about wanting to be good
 4 neighbors. Well, your brothers at Cannon are not good
 5 neighbors. We -- I don't know. It seems like the
 6 integrity falls down when we see something, we call, and
 7 they don't have enough respect for us to call us back and
 8 acknowledge what's going on.

9 We had a flight of 20 -- 22 F-111s come
 10 over the ranch one day less than 1,000 feet. They did
 11 not acknowledge it for six weeks or so, and finally they
 12 come back and said, "You're right. They were there." We
 13 had eyewitnesses. We had eyewitnesses of an F-15 and
 14 F-111 dogfighting right over the top of our heads. That
 15 never was acknowledged. But the question I guess I have
 16 is, is there ways, if we do this, if we have to put up
 17 with this, are there ways to monitor to make sure of what
 18 they are doing? There seems to be some discretion of
 19 what -- I don't know -- Cannon or whoever it is knows,
 20 and what's actually going on out in the field. I think
 21 somebody's not telling about everything.

22 A second concern I have is, as a private
 23 pilot, flying into Fort Sumner and out of Fort Sumner or
 24 across New Mexico, just about any direction you go, you
 25 are going in a -- we had children that went to New Mexico

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1 State University. We like to go down and visit with them
 2 and when we flew, you have to go halfway around the
 3 world. You can't cross White Sands Missile Range, even
 4 though they were very courteous and let us go across the
 5 south end of it. If that's the case now, I don't believe
 6 we would get -- we would be able to go down there that
 7 way. We would have to go around and cross the north end
 8 of the ranch and then maybe not even down the west side.
 9 I'm not sure if that branches at T or C. I used to go
 10 that way a lot when I fly because of the MOA and
 11 different areas. I fly to Arkansas a lot, so I go
 12 through a lot of MOAs, and I didn't know what you call
 13 them now. Out here in New Mexico at the altitude I flew,
 14 you don't get radar. I don't know how these guys in
 15 F-16s, as low as they fly, how they can have radar. So
 16 what's the possibility of confrontation there? I
 17 would -- like I said, I didn't come to talk, so I'm not
 18 really prepared, but I would like to see a little more --
 19 I don't know -- I guess, integrity, to where it keeps
 20 around, but I think we do have legitimate complaints that
 21 are not ever answered.

22 I haven't filed a claim, and I've filed
 23 some complaints, some noise complaints lately, but for a
 24 long time we just kind of put up with it, and it worries
 25 me that the Air Force seems to be grabbing more and

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1 more. It's -- we kind of get used to one thing, and all
 2 of a sudden, they are here wanting to do something else.
 3 The ranchers over around the bombing range in Melrose,
 4 all of a sudden they were told they were going to sell
 5 their ranches and then we are next in line. We are
 6 getting run over, and it's a concern, it seems like.

7 And if I was a merchant, I guess I would
 8 be thrilled to death with this thing. We have a friend
 9 that's a merchant in Albuquerque, and it's going to help
 10 him, but we don't receive any financial gains from
 11 putting up with the noise. The biggest noise they have,
 12 I suppose, is their cash register going off, but we put
 13 up with it for nothing, and it's just day and night. A
 14 lot of times when they are having maneuvers, they are
 15 running all night long. The noise level, you know, you
 16 talk about for a few seconds, but when they come out of
 17 your house in four or five turns and then turn you up,
 18 you are in that noise for a long, long time. It's not
 19 just noise, it shakes the ground. It shakes the house.

20 We had a case of our grandchildren being
 21 here a couple of weeks, and as one of them would be over
 22 here, they come through the house just wide-eyed and
 23 screaming. I am a plane lover. I love planes. I own
 24 two of them, but I think, you know, we just have them --
 25 we just need to get together and look this deal over, try

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1 to do something. It's not working the way it is. I
2 guess that's all I've got to say.

3 MS. HORNEY: Talk about the scrambling.

4 MR. HORNEY: We have a satellite system.
5 We have our TV offer on, and when they come through, we
6 lose all the TV. It's like a sunspot in a certain time.
7 We just lose it. It's just static. It's the same thing
8 after the F-111s. I think the E model come over, but it
9 affects our electronics in the house.

10 JUDGE HEUPEL: How long do you lose the
11 signal for?

12 MR. HORNEY: About a minute before they
13 gets to us, and as soon as they get back by, it's on
14 again. I don't know whether it's F-16s, but you can
15 always bet there's a plane coming when all of a sudden
16 you lose your signal. I guess it's not a big deal, but
17 it's an aggravation. I know the day and night business,
18 it gets pretty old sometimes, and they are -- they make a
19 lot of noise. Thank you very much.

20 JUDGE HEUPEL: Thank you, sir. I don't
21 have any other cards. Mr. Elliott, do you have something
22 more?

23 MR. ELLIOTT: Unless someone else would
24 like to speak.

25 JUDGE HEUPEL: I'm going to come back to

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1 everybody else, and there are only two other people that
2 haven't spoken, so go ahead, sir.

3 MR. ELLIOTT: With regard to the
4 television, I had Cannon and all their environment people
5 come over to my house. It's been two months ago. I took
6 some pictures I took off my TV, and this verifies
7 findings of why F-111 and F-16s were disturbing my
8 television reception. I have the old fashioned antenna,
9 and it's gone away with turbulence and New Mexico winds.
10 It's in pretty poor condition, but still, I took a
11 sequence of pictures with a Polaroid camera showing --
12 and I have got them there in the box -- but the finding
13 was the signal from Roswell was being disturbed by a
14 large metal object in the air.

15 Now, over here just south of town, the
16 Vaughan Ranch, where you've got one of these called by
17 different name but the mock Sam sites -- I have lost the
18 words right now -- but he has a dish antenna, too, and it
19 overrides his reception completely, back out, back on.
20 Some history, I have only been a New Mexico landowner for
21 36 years. I don't go as far as back as these natives,
22 but we would like to sit down on our porch at night, too,
23 and enjoy the peace and quiet, which, after we have got
24 all of these -- what's the name of them sites? We have
25 got seven of them in De Baca County. Anyway -- but it

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1 happens from sundown to sometimes 11, 12:00 at night.

2 Back on the history, and some of you guys
3 may not be old enough, but my grandfather ranched south
4 of Laredo Air Force Base, which closed down a long while
5 back there along WW II. My grandfather, at the onset of
6 WW II, the last big war, had to move his ranch
7 headquarters about ten miles further east because of the
8 proximity of New Mexico's defense boundaries. We
9 continue to this day to pick up 50 caliber brass from the
10 WW II gunnery range.

11 We are proud Americans. My brother served
12 in the Navy. I was a commissioned officer in Viet Nam.
13 I have learned to judge distance and height disturbance
14 and all this other. We don't have anything against the
15 military objective. It's just that it's getting worse on
16 the takes and condemnation of our lifestyle and our
17 property and our operations for your need to fly lower,
18 faster and more often, and I would suggest, and I would
19 request that to be included, of course, in your draft of
20 the history, but seek out complaints of Holloman Air
21 Force Base, Cannon Air Force Base's Public Affairs
22 Office, the amount of claims, the amount of complaints.
23 All of these assumptions put out in these documents made
24 by FAA and the Air Force and these people that are
25 preparing the documents, I have never seen one of them.

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1 No one has ever called me. No one has ever come out here
2 and said, "Hey, does this disturb you?" And I suggested,
3 all the way up to the Pentagon, two, three stars up. The
4 Pentagon had deaf ears. We are getting the short end of
5 the stick, and like Jake said, I think we need some
6 relief.

JUDGE HEUPEL: Okay, thank you, sir.

8 Now, let me ask, is there anybody who has not spoken who
9 would like to speak now? And I know there are only, I
10 think, three people in that -- that category. Is there
11 anybody else that wants to speak?

(No response.)

13 JUDGE HEUPEL: I guess not. Is there
14 anybody else that has spoken that has anything else that
15 they want to add at this point?

(No response.)

17 JUDGE HEUPEL: Apparently not. Well, as
18 Mr. Elliott was indicating, you're welcome to send in
19 additional statements. There is, at the bottom of this
20 white comment sheet, the address at Langley or it's on
21 the blue sheets, the address of Langley to send any
22 additional comments to. I would also point out that on
23 at least one of the blue fact sheets, I'm looking at the
24 one that has the list of where the draft EIS are at, that
25 does have the phone number for the Holloman Air Force

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1 Base Public Affairs Office on it. If you need to get
 2 into contact with someone because of noise problems or
 3 overflights, there's a number for you to call for
 4 contact. I want to thank you for coming out. I want to
 5 thank you for your comments. That's the reason we're
 6 here, and we do appreciate getting your comments very
 7 much. With that, I will call the hearing in
 8 adjournment.

9
 10 (Hearing adjourned 8:06 p.m.)
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1 STATE OF NEW MEXICO)
 2) ss
 3 COUNTY OF BERNALILLO)

4 I, IRENE DELGADO, New Mexico CCR 253, DO HEREBY
 5 CERTIFY that I did report in stenographic shorthand the
 6 foregoing proceeding as set forth herein; that the
 7 foregoing pages are a true and correct transcript of my
 8 stenographic notes and were reduced to typewritten
 9 transcript through Computer-Aided Transcription.

10 I FURTHER CERTIFY that I am neither employed by
 11 nor related to any of the parties or attorneys in this
 12 case, and that I have no interest in the final
 13 disposition of this case in any court; that on the date I
 14 reported these proceedings, I was a New Mexico Certified
 15 Court Reporter.
 16
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 25

Irene Delgado
 IRENE DELGADO, NM CCR 253
 Notary Public Expires: 5-1-96

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DRAFT EIS, GERMAN AIR FORCE										Condensers™										aircrew - Canada									
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289	3825	2-17	28-33	553	5614	5624	bombing	716																					
290	3826	5-22	6-15	554	66-21	681	bombing	2912																					
291	3827	8-22	9-18	555	66-21	681	bombing	2912																					
292	3828	10-13	11-14	556	66-21	681	bombing	2912																					
293	3829	29-19	30-2	557	66-21	681	bombing	2912																					
294	3830	41-14	42-14	558	66-21	681	bombing	2912																					
295	3831	12-15	13-15	559	66-21	681	bombing	2912																					
296	3832	13-19	14-13	560	66-21	681	bombing	2912																					
297	3833	25-9	26-9	561	66-21	681	bombing	2912																					
298	3834	33-19	34-19	562	66-21	681	bombing	2912																					
299	3835	33-19	34-19	563	66-21	681	bombing	2912																					
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301	3837	33-19	34-19	565	66-21	681	bombing	2912																					
302	3838	33-19	34-19	566	66-21	681	bombing	2912																					
303	3839	33-19	34-19	567	66-21	681	bombing	2912																					
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305	3841	33-19	34-19	569	66-21	681	bombing	2912																					
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307	3843	33-19	34-19	571	66-21	681	bombing	2912																					
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Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico

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SECTION 5.0

**CARRIZOZO, NEW MEXICO
PUBLIC HEARING TRANSCRIPT**

JULY 11, 1997

1 STATE OF NEW MEXICO

COUNTY OF LINCOLN

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3
4
5 IN THE MATTER OF THE PUBLIC HEARING ON)
6 DRAFT EIS FOR THE PROPOSED EXPANSION)
7 OF GERMAN AIR FORCE OPERATIONS AT)
8 HOLLOMAN AIR FORCE BASE, NEW MEXICO)

9
10
11
12 TRANSCRIPT OF PROCEEDINGS

13 July 11, 1997

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COPY

BE IT REMEMBERED that on July 11, 1997, at 6:00 PM at the
LINCOLN COUNTY COURTHOUSE, 300 Central Avenue, Carrizozo, New
Mexico, a public meeting was held before the HONORABLE JUDGE
JAMES HEUPEL and the following transcript was produced by R.
JAN WIMBERLY, a Court Reporter and Notary Public within and for
the State of New Mexico.

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JUDGE HEUPEL: Good evening ladies and

gentlemen. Thank you for coming out tonight. This is the

public hearing on the draft environment impact statement, or

draft EIS, as we'll refer to it throughout the night, for the

proposed expansion of German Air Force Operations at Holloman

Air Force Base, New Mexico. I'm Colonel Jim Heupel and I'll be

the presiding officer for tonight's meeting.

Before any decision to expand the current German Air Force presence at Holloman can be made, the Air Force must do a

complete analysis of the environmental issues involved with

this action. The National Environmental Policy Act's

implementing regulations require the Air Force to document this

analysis in an environmental impact statement before the

Secretary of the Air Force makes any decisions.

Now part of the process involves receiving public

comment on the draft EIS, which was written over the past year

following the scoping meetings last summer. At the scoping

meetings, the Air Force asked for public input on the scope or

the range of issues that should be studied in this EIS. This

part of the process enabled the Air Force to learn about any

issues involving the expansion of German Air Force Operations

at Holloman that were not previously identified.

The relevant comments gathered during scoping are

included in the environmental analysis. This analysis is

contained in the draft EIS, the contents of which are the

1 subject of tonight's hearing. Now the draft EIS, and I'm
 2 holding up a copy of the draft EIS, it has been distributed for
 3 public review and comment. Based upon input received during
 4 the 45-day comment period, additional analyses will be
 5 evaluated and/or performed, and changes will be made to the EIS
 6 as necessary.

7 If you've not had an opportunity to read the draft
 8 EIS before tonight's meeting, you're encouraged to do so as
 9 soon as possible. I also understand that a copy was not sent
 10 to a library here in Carrizozo, and I believe arrangements have
 11 been made to leave a copy of the draft EIS here. Is that
 12 correct?

13 LT. COL. HARGARTEN: We will leave one here at
 14 the courthouse, is that okay?

15 A VOICE: We do have it, I have it.

16 JUDGE HEUPEL: Well, I was thinking specifically
 17 of libraries, because there is a sheet out in back that lists
 18 the libraries that it was sent to and Carrizozo Public
 19 Library's not listed on here and so that was our concern.

20 VOICES: We don't have one.

21 JUDGE HEUPEL: You don't have one? That's why it
 22 wasn't sent to the library. We just wanted to make sure that
 23 there was a copy that was available for the public. I'm sure
 24 some of you received your own copies, but if other people
 25 didn't have copies, that there was a copy available. And so

1 was that sent to the courthouse?

2 A VOICE: Yes.

3 JUDGE HEUPEL: So that's where it would be
 4 available, would be at the courthouse. Thank you, ma'am. Now
 5 in addition to reviewing that, there are some fact sheets, and
 6 I'm holding these up, these are seven sheets, 14 pages in all,
 7 that contain a summary of the parts of the environmental impact
 8 statement. Also presenters will provide a summarization of the
 9 environmental impacts in the EIS.

10 Let me just indicate that these fact sheets will be
 11 made a part of the record itself, since they're being handed
 12 out to you here tonight, I'm insisting that they become a part
 13 of the record. As well as copies of the display boards out
 14 there, these will be part of the record, so that if there is
 15 any concern about any information in here, this is all part of
 16 the formal record.

17 Now there are two goals tonight. The first is to
 18 provide information to you about the analyses of potential
 19 impacts to the environment resulting from the Air Force's
 20 proposal. And the second is to receive your comments on the
 21 analyses. This will help the Air Force address all concerns
 22 about the proposed action, because comments received during the
 23 comment period, the comment period started on June 20th and it
 24 runs until August 4th of this year, any comments received
 25 during this period will be responded to in the final

1 environmental impact statement.

2 Let me just add that any comments need to be received
3 at Langley Air Force Base by the 4th of August, in order to
4 ensure that they will be addressed in the final EIS. And that
5 address is located at the bottom of the comment sheet that some
6 of you may have picked up. I know it's also on some of the
7 fact sheets.

8 Before introducing the members of the panel, I'd like
9 to explain my role in the hearing tonight. I'm the chief trial
10 judge for the Air Force. I primarily preside over military
11 criminal cases, so I don't have any involvement with this
12 environmental impact statement. I'm not an expert on it, I
13 haven't been involved with its development and I'm not here to
14 act as a legal representative to the Air Force personnel who
15 will address the proposed action. My purpose is to ensure that
16 we have a fair, orderly hearing and that everybody who wishes
17 to speak has an opportunity to speak.

18 Now let me introduce the members of the panel. The
19 three Air Force representatives who are going to be presenting
20 the proposal and the environmental impacts, first would be
21 Lieutenant Colonel Don Hargarten, Ms. Sheryl Parker and Mr. Bob
22 Johnson.

23 Now Colonel Hargarten is the assistant deputy
24 commander for the 49th Operations Group at Holloman. I think
25 these people, or at least most of these people were here for

1 the scoping meeting last summer, so I think some of you already
2 are familiar with them.

3 Mr. Bob Johnson is from the environmental office at
4 Holloman Air Force Base. And Ms. Sheryl Parker is from the
5 environmental office at Air Combat Command's Headquarters at
6 Langley Air Force Base, Virginia.

7 Now we also have with us a court reporter, Ms. Jan
8 Wimberly, to my left, who is recording verbatim the
9 proceedings, so that these can be transcribed and she will be
10 doing this both for our presentation, as well as the
11 presentation that you provide, and oral comments.

12 The schedule for this evening's hearing will be,
13 first Mr. Johnson will speak for a few moments, giving you a
14 short summary of the environmental process and what you can do
15 to provide input on what goes into the final EIS. Then Colonel
16 Hargarten will present information on the proposal and the
17 three options the Air Force is looking at, in order to
18 facilitate increased German Air Force Operations at Holloman.
19 Finally, Ms. Parker will review the analysis of the potential
20 impacts to the environment from the proposed action and
21 training option locations.

22 Now following these presentations, we'll have a short
23 period for clarifying questions. These questions are to
24 clarify what they have presented. If there's something that
25 they said that you didn't understand, then we'll try to clarify

1 them. They're not clarifying questions over the entire
2 environmental impact statement, they're just over what they
3 have presented themselves.

4 After that we'll take a break. When we come back
5 from the break if we have any public officials speaking on
6 behalf of their constituency, I'll invite them to speak first,
7 followed by the public. I'll take speakers in random order.
8 At this juncture the speaking would be for five minutes per
9 speaker. However, if I only have a handful of speakers, then
10 I'm going to enlarge that time frame and we'll go for a longer
11 period. It's just going to kind of depend upon how many
12 speakers that we have that are wanting to speak, as to what
13 kind of a time limit there might need to be.

14 Now, how do you speak? When you came in, there was a
15 card asking you if you wanted to speak, to check the block at
16 the bottom, you could check if you wanted a copy of the final
17 environmental impact statement. If you decide after the
18 presentation that you would like to speak and you hadn't
19 indicated that earlier, just during the break go back to the
20 registration table and tell them you want to speak and they'll
21 get out your card and check that you want to speak and they'll
22 get it to me, so that I can call on you.

23 We are interested in your comments, your comments are
24 important. This is the fifth of six hearings that we've
25 conducted. We've had a number of people speaking to us at all

1 the different hearing sites and I really solicit your comments,
2 because it's only by getting your comments, whether your
3 comments be here tonight orally, or if you want to turn in
4 written comments here tonight using this comment sheet or using
5 prepared comments, that's fine, of you can send in these
6 comments either on this sheet or as many pages as you want,
7 sending them in by the 4th of August, but your comments are
8 important. So you can use any of those three ways or you can
9 use all of three ways to comment and we do solicit your
10 comments.

11 At this time Mr. Johnson will tell us about the EIS
12 process and schedule, Mr. Johnson.

13 MR. JOHNSON: Good evening. My name is Bob
14 Johnson, I work in the environmental flight at Holloman Air
15 Force Base and during the next few minutes I will be providing
16 you with some general information about the act which serves as
17 the basis for these hearings, what we intend to accomplish,
18 what's involved in the process and what your role is in the
19 process. I'll also go over the schedule as it relates to the
20 proposed action that we are evaluating.

21 NEPA, which was enacted in 1969, requires that before
22 we, a federal agency, do something, we must analyze and
23 document the environmental impact of that something before we
24 proceed with the proposed action.

25 The NEPA document is meant to provide a clear,

1 unbiased discussion of any potential environmental impacts
 2 relevant to the proposed action and alternatives. This
 3 analysis is intended to serve as a clear basis for choice and
 4 should avoid lengthy discussion of issues not relevant to the
 5 proposed action.

6 This leads me to a key statement in the NEPA
 7 regulations. It is found in the purpose section and I want to
 8 quote it. "Ultimately of course, it is not better documents but
 9 better decisions that count. NEPA's purpose is not to generate
 10 paperwork, even excellent paperwork, but to foster excellent
 11 action."

12 Everything the Air Force has done up until now, and
 13 will do with this document, and everything we do here tonight,
 14 points towards the day when the decision maker signs the Record
 15 of Decision. Our responsibilities as employees of a federal
 16 agency is to ensure a full and objective environmental impact
 17 analysis is performed for all components of this proposed
 18 action.

19 Is the EIS the only factor the decision maker takes
 20 into consideration? No. He or she must also consider
 21 technical design issues, as well as the monetary costs. Other
 22 facts that could be taken into consideration include values of
 23 the local public, as well as input from elected officials.

24 Once the decision is made, is the Air Force committed
 25 to implement the selected action? No. The final action in the

1 NEPA process is the Record of Decision. And it is just that, a
 2 decision. If the decision is made to bed down the additional
 3 30 aircraft and build the needed facilities, other constraints
 4 may cancel the proposal. The Air Force would not be legally
 5 obligated under NEPA to implement the selected action.

6 In other words, to use a phrase our team has heard a
 7 lot related to this and other proposals, this is not a done
 8 deal. It is far from it and possibly may never become a done
 9 deal. The only decision made thus far has been to proceed with
 10 the environmental impact analysis. The decision of whether or
 11 not to do the something and how to do it won't be made until
 12 the analysis is complete, hopefully this December.

13 I said I would tell you how you can be involved in
 14 the process. And the Judge earlier told you what specific
 15 methods can be used to provide your comments. The primary
 16 thing you can do is ensure your comment is relative to the
 17 issues at hand. We're here to receive comments on the draft
 18 environmental impact statement. We are looking for feedback on
 19 environmental issues you might feel were not adequately
 20 addressed or not addressed at all.

21 Maybe you're a member of the Audubon Society and are
 22 aware of an endangered species in the region we failed to
 23 address. Or maybe one portion of a discussion in the document
 24 was very confusing to you and you want to offer some
 25 suggestions on how we can make the explanation clearer. These

1 types of comments are helpful to us and will be taken into
2 consideration as we continue our analysis.

3 We won't, however, enter into a debate with anyone
4 about the Air Force's policy on training or issues related to
5 NATO alliances. If you have questions along these lines, I
6 would refer you to the draft EIS, Chapters 1 and 2, and to our
7 fact sheets. These provide the Air Force's reasons for what
8 we're proposing, while fully realizing that not everyone will
9 be in agreement with us. Again, our focus here tonight is the
10 potential environmental impact of what we're proposing.

11 We don't have to have all inputs today or tonight.
12 If you think of something tomorrow or the next day, send us
13 your comments in writing, the comment period will be open
14 through August 4th. The mailing addresses are on the fact
15 sheets that you may have picked up and also on the comment
16 cards.

17 So, where are we at in the NEPA process? Like all
18 proposed actions evaluated under NEPA, there is a schedule or
19 time line we're doing our best to adhere to. On this slide you
20 will see all the key actions required by NEPA. And I would
21 just call your attention to the June 20th date, that was the
22 beginning of the comment period and it must run for 45 days,
23 which would end on August 4th.

24 After that point, we'll get started taking all the
25 inputs from these meetings and continue our environmental

1 analysis and we're looking to have a final environmental impact
2 statement in early November and we would like to have a
3 decision made in early December, that's when the Record of
4 Decision would be signed.

5 I hope that the information I've just given you has
6 provided with you with a clearer understanding of what NEPA
7 requires, why we are holding these meetings, and what we are
8 trying to accomplish. Again, our goal is to ensure the
9 decision maker makes an excellent decision which will lead to
10 excellent action, one that allows the Air Force to accomplish
11 its mission while also protecting the environment. They go
12 hand in hand. This concludes my portion of our presentation.

13 JUDGE HEUPEL: Now Colonel Hargarten will give
14 you the details of the proposed action and the alternative
15 actions.

16 LT. COL. HARGARTEN: Thank you, Judge. I'm glad
17 to be here tonight to provide an overview of this proposal to
18 expand German Air Force Operations at Holloman. Before I get
19 into the specifics of what the Air Force is proposing to do,
20 I'd like to provide a little background on our relationship
21 with Germany since World War II and our nation's current
22 military strategy.

23 Since the 1950's, Germany has demonstrated a
24 commitment to its NATO role. German aircrews have been
25 training in the U.S. in fighter aircraft since 1957. They have

1 trained in F-84s, F-104s, F-4s, and Tornados. Since 1992, the
 2 U.S. has provided German aircrew training in F-4s at Holloman
 3 Air Force Base and I was the commander of that squadron for two
 4 years.

5 To me the German U.S. partnership was clear to see as
 6 we hosted German Air Force pilots to help ensure our allied
 7 aircrews are training to the same high standards as U.S.
 8 pilots. This partnership has been especially useful since the
 9 end of the Cold War, as multinational allied action became an
 10 even more important means of protecting our nation's security
 11 and promoting stability around the world; as the Soviet
 12 superpower and the Communist Bloc in Europe fell and as the
 13 U.S. began to withdraw its forces from Europe.

14 All these factors have made readiness and training
 15 more important than ever before because of a changing
 16 international environment, a greater diversity of risks and
 17 threats and reduction in U.S. military budgets. This policy is
 18 reflected in the current National Military Strategy, which
 19 emphasizes international training and military exchanges.

20 For this approach to our defense to succeed, and for
 21 U.S. and allied forces to be safe, we must provide both U.S.
 22 and allied aircrews with the highest caliber training. Combat
 23 readiness requires constant training, and that is another
 24 reason behind this proposal. The U.S. and its allies must
 25 train the way they intend to fight. Responding to the

1 government's new military strategy and increased risk demands a
 2 high degree of proficiency.

3 Increasingly sophisticated weapons require equally
 4 sophisticated training. There are three main components in
 5 today's aircrew training: low-altitude training, air-to-air
 6 training and air-to-ground training. Proficiency in all three
 7 is vital. We want to ensure that the people fighting alongside
 8 us are just as combat ready as we are.

9 Holloman is well suited for further growth in the
 10 German Air Force training mission. In addition to having the
 11 infrastructure to support the 12 Tornados already at Holloman,
 12 the base offers available land, airspace areas, support
 13 facilities, local community support and the benefit of being
 14 located near the German Air Force Command Headquarters at Fort
 15 Bliss, near El Paso, Texas.

16 These features contributed to the successful
 17 relocation of the 12 Tornado aircraft and 300 support personnel
 18 at Holloman in 1996. Our proposal helps ensure continued
 19 combat readiness because it provides realistic training
 20 opportunity.

21 But another integral part of our mission is serving
 22 as a good neighbor and good steward of the environment. That
 23 makes it important to us that you assist in the decision making
 24 process for this proposal and at any time you have concerns
 25 about our operations or activities, our Public Affairs phone

1 number is 505-475-5406.

2 Community input has already led us to define
3 avoidance areas or to raise minimum flying altitudes over, and
4 distance from specific sensitive areas. We also work with the
5 Federal Aviation Administration to reduce potential impacts to
6 civilian aviation by providing advanced notice when we're using
7 many airspace areas.

8 In our role as caretakers of the environment, we
9 believe environmental stewardship is important and can be
10 accomplished hand in hand with the military mission. We manage
11 our installation to sustain diverse environments and monitor
12 the conditions of natural resources, including air and water
13 quality and land condition, to ensure there is little or no
14 degradation. We work closely with agencies such as the Bureau
15 of Land Management, the U.S. Forest Service, the U.S. Fish and
16 Wildlife Service to protect and enhance resources and minimize
17 impacts to sensitive areas.

18 Now I'll outline the main components of the proposal
19 to expand the German Air Force's presence and establish a
20 German Air Force Replacement Training Unit at Holloman. The
21 Replacement Training Unit would function as a school for German
22 Air Force Tornado aircrews. First, the proposal includes
23 facility construction and relocating an additional 640
24 personnel to support training of German aircrews and the 30
25 additional Tornados.

1 Second, it includes aircraft training in airspace
2 throughout the region. And third, in order to meet the needs
3 of the Tornado aircrews, three training options are considered
4 within the proposed action: construction and operation of a
5 new air-to-ground tactical complex at one of two locations on
6 McGregor Range or use of existing military training ranges at
7 White Sands and Melrose Range near Clovis, New Mexico to
8 accommodate training requirements.

9 This beddown of the 30 additional Tornado aircraft
10 would require construction of academic and administrative
11 buildings, headquarters and operations buildings, a flight
12 simulator, supply and maintenance facilities and hangers, and
13 dormitories on Holloman Air Force Base. Construction would
14 total over \$100 million. All the construction and relocation
15 expenses directly related to the Germans would be paid for by
16 the German Air Force.

17 A variety of airspace is needed to support the German
18 Air Force mission. Airspace needs include military training
19 routes for low-altitude maneuvers; military operations areas,
20 or large areas of airspace where military aircraft practice
21 air-intercept training; and areas restricted to military use.
22 The proposed action would result in an addition of
23 approximately 2,800 additional sorties on military training
24 routes; 3,200 additional air-to-air, or dogfight sorties in
25 military operations areas or restricted areas and 2,600

1 air-to-ground range sorties per year.

2 Aerial refueling operations would also be performed.
3 These sortie numbers are not cumulative. By that I mean you
4 simply cannot add up all those numbers and arrive at a total
5 number of sorties that would be flown by additional airplanes.
6 A single sortie may include use of a low level training route,
7 then performing aerial refueling, then use of a military
8 operations area for air-to-air training, and finally delivery
9 of training ordnance on an air-to-ground range.

10 Currently the majority of our tactical air-to-ground
11 training is conducted on White Sands Missile Range. According
12 to national policy, White Sands' mission of research,
13 development, tests and evaluation has priority over Holloman's
14 training needs. As a result, it is presently difficult to get
15 adequate time to train in White Sands' airspace. Adding 30
16 more aircraft at Holloman would only increase the problem. In
17 addition, terrain features of the Red Rio and Oscura target
18 complexes preclude their use of training for certain types of
19 munitions deliveries.

20 We are looking at three options to meet the
21 air-to-ground training requirements of the Tornado aircrews.
22 Two of the options involve construction of a new target complex
23 for air-to-ground training on McGregor Range, which is
24 controlled by the Army's Fort Bliss. One option is a location
25 on western Otero Mesa, and the second option for the new target

1 complex is a location in the Tularosa Basin portion of the
2 range.

3 If a new target complex were to be built, it would be
4 comprised of a 2-by-4-mile impact area within a 12-by-15-mile
5 safety area. Construction activities would be primarily
6 confined to the 2-by-4-mile impact area. No live ordnance
7 would be used in the new target complex.

8 Although not operationally desirable, the third
9 option is to use only existing ranges in New Mexico to support
10 the additional aircraft. These would include Red Rio and
11 Oscura on White Sands Missile Range west of Carrizozo, New
12 Mexico, and Melrose Range near Clovis, New Mexico. These
13 training options differ only with respect to utilization of
14 airspace and ranges. Aircraft would access either of the new
15 target complex options or the existing ranges using military
16 training routes.

17 Let me just walk you through a few slides to orient
18 you on the map of some of the locations we've been discussing.
19 This slide shows in the middle is Holloman Air Force Base, the
20 end of the pencil. You can see White Sands Missile Range,
21 which you all, in this room, are very familiar with. To the
22 southeast is McGregor Range, another restricted area. We've
23 got the Talon MOA, military operations area in the yellow, the
24 Beak MOA in the green, the Pecos MOA in the blue.

25 The 3,200 sorties I referred to that would be flown

1 in military operations areas and restricted areas would be
 2 flown in those four areas. The Talon, the Beak MOAs, McGregor
 3 and White Sands Missile Range, with a few in the Pecos MOA. We
 4 will not be using Valentine or the MOAs over here.

5 Next slide please. This is a very busy slide. What
 6 it shows is the low levels, color coded for different low
 7 levels inside our local flying area. To orient you on the map,
 8 the green circle in the middle of the tip of my pencil is the
 9 Holloman Air Force Base. You can see White Sands Missile Range
 10 here just to the north and west of Holloman.

11 The low levels shown on the map here, starting in the
 12 green low level on the tip of my pencil that comes up here by
 13 Santa Rosa, over, down and back towards the Melrose Range.
 14 What I'm going to discuss is how many sorties, there's a lot of
 15 numbers I'm going to go over here real quickly, but I'll try to
 16 keep them as simple as possible. I'll be referring only to the
 17 Tornados and I'll refer to how many sorties they are flying,
 18 projected to fly, the 12 Tornados that are here right now, how
 19 many would they fly in the year 2000, if there were just the 12
 20 here.

21 Then how many Tornado sorties if we built a new
 22 bombing range or a new tactical complex on McGregor. And then
 23 how many would be flown if we just relied on the existing range
 24 that we have. So I'll walk you through those kind of slowly.
 25 Basically IR-113, the 12 Tornados that are here right now are

1 not using that low level. If the additional 30 Tornados come,
 2 they would be flying, and there was a new bombing range built
 3 they would fly 170 sorties on that low level. If there was not
 4 a new bombing range built, they'd be flying 1,199, basically
 5 1,200 sorties would be flown on that green route if there was
 6 not a new bombing range built.

7 VR-125 is the blue route or teal route here, that
 8 route right now they fly 55 sorties. If we build a new bombing
 9 range, they'll go up to 100 sorties. And if we do not build a
 10 new tactical target complex, they would fly 400 sorties, 401
 11 sorties.

12 VR-176, that's a low level that goes into Arizona,
 13 but it's coming down towards the ranges, from the north here
 14 it's kind of a black line right here, that VR176 right now they
 15 fly 105 sorties on it with the 12 Tornados. If we build a new
 16 bombing range it will go up to 700 -- if the additional 30
 17 Tornados come, they'll go up to a total of 742 sorties. If we
 18 have to rely on existing ranges, it will come up to 1,376
 19 sorties on that low level.

20 IR-133 is this orange line right here that goes up to
 21 the north and then cuts over, comes down towards the bombing
 22 ranges. Right now they fly 1,110 sorties, it'll go up to 1,273
 23 sorties if we build a new range. If we have to rely on
 24 existing ranges it would be 1,433 sorties on it.

25 Next slide, please. This slide shows the local

1 air-to-ground ranges that we use. Under the existing ranges
 2 option, we would be using the four ranges in red, Red Rio,
 3 Oscura, the Class C target on McGregor and Melrose. This
 4 circle, a hundred mile circle is just to orient you on the
 5 map. You can see Holloman in the middle, most of you in this
 6 room are very familiar with the ranges, but I'll quickly review
 7 them.

8 Red Rio is 45 miles to the north of Holloman. It is
 9 a tactical range, meaning it has a simulated airfield,
 10 simulated conveyors, industrial complex, triple A sites,
 11 antiaircraft artillery sites. It is not a scored range and it
 12 is not manned. It does have a single live drop target on it,
 13 on Red Rio.

14 Just to the south of it -- now one of the issues on
 15 Red Rio is the terrain is very steep, as you know it's somewhat
 16 in a valley there. So there is a number of sorties that cannot
 17 be accomplished, terrain following radar pattern sorties that
 18 cannot be accomplished on that range, that would have to be
 19 done on another range. Under the existing option those sorties
 20 would have to go to Melrose.

21 Just 10 miles to the south, Oscura Range is a
 22 conventional bombing range, by that it has a couple of tactical
 23 targets but it has two targets on the ground that are
 24 surrounded by concentric circles and it is used by the fighter
 25 pilots for some of their basic bombing fundamentals training.

1 It is a manned range, you can see it, it is scored and there is
 2 a strafe target there. There's no live drop targets on
 3 Oscura.

4 The Class C target on McGregor Range now is a single
 5 target in the ground with concentric circles around it, it is
 6 not scored and it is not a manned range. Located 145 miles to
 7 the northeast of Holloman is Melrose Range and it is both a
 8 conventional range and a tactical range. Under the proposals,
 9 reviewing the numbers quickly, on Red Rio, right now the 12
 10 Tornados would be forecast to fly, in the year 2000 they would
 11 be flying 420 sorties on Red Rio. If we bring in the
 12 additional 30 aircraft and we build a new bombing range, they
 13 would fly 670 sorties on Red Rio, total. If we rely on the
 14 existing ranges and we do not build a new bombing range, it
 15 would still be 670 sorties on Red Rio.

16 Oscura to the south, right now they forecast to fly
 17 640 sorties, the 12 Tornados that are here, 640 sorties in the
 18 year 2000. If we bring in those additional 30 Tornados and we
 19 build a new bombing range they would fly 940 sorties total on
 20 Oscura. If we have to rely on existing ranges, and we do not
 21 build a bombing range, there would be 1,530 sorties on Oscura
 22 Range.

23 Next slide, please. This slide is a slide of
 24 McGregor Range. Orogrande is located over here to the west.
 25 This is County Road 506 that cuts through the range, the red

1 line. Just to the north of it, this dotted line is a power
 2 line. These dashed 2-by-4-mile areas here are the two proposed
 3 locations for the two new impact areas, these are two of the
 4 options. One is referred to as the west Otero Mesa option,
 5 that's this one. This is called the Tularosa Basin option.

6 You hear and read in the EIS they're referring to on
 7 the mesa and off the mesa. What that means, if you follow this
 8 green line up here, there's an escarpment on the range where
 9 the elevation changes by several hundred feet and that's how
 10 they define when you hear, when you read the newspaper talking
 11 about on the mesa or off the mesa, it's defined by that

12 escarpment here. Under both of these options, 506 would not
 13 have to be moved, nor would the power lines have to be moved.

14 Also this map, if you can see it, it's very difficult
 15 to see, I guess you can see this, this light red line here that
 16 goes around each of these 2-by-4-mile areas, that is the 27,000
 17 foot safety fan, that when -- if one of these locations was
 18 chosen, for example if this Tularosa Basin site was chosen, the
 19 access by the public would have to be controlled inside of that
 20 safety fan when the range is in use.

21 In neither one of these options, as I said, would you
 22 have to move the road or the power line. Access to the public
 23 would have to be controlled 24 hours a day inside the little
 24 over 5,000 acres of the actual impact area. The fences would
 25 be approved by the BLM, so that, there's a lot of antelope,

1 there is antelope up there on the mesa, they can go over the
 2 fence for grazing in the impact area. But the public, during
 3 hunting season would not have access inside the 2-by-4-mile
 4 area. They would have access, though, inside the safety fan on
 5 the weekends or when the range is not in use.

6 On the slide also you can see these kind of dark blue
 7 lines coming out of the mountains, those are water pipelines
 8 that come down to feed water to some of the water troughs on
 9 the range. In fact, there is a water trough here inside the
 10 impact area on the mesa, that would have to be moved if that
 11 location was chosen.

12 The green lines here represent different grazing
 13 units. You can see that there's no grazing units off the mesa
 14 in the Tularosa Basin, but on the mesa it does split two
 15 different grazing units, numbers nine and thirteen, it splits
 16 them.

17 The airspace that would be used could include
 18 modified training military routes and restructured airspace in
 19 southern New Mexico and west Texas that were contained in a
 20 separate proposal by the Air Force and addressed in a final
 21 environmental assessment, or EA, entitled Proposed Airspace
 22 Modifications to Support Units at Holloman Air Force Base, New
 23 Mexico. That action also involves establishment of an air
 24 refueling route. This EA has been approved by the Air Force
 25 and is undergoing review by the FAA.

1 If this airspace modification is not implemented,
 2 existing airspace would be used to support the increased
 3 Tornado aircraft. These differences in airspace availability
 4 and utilization are taken into account in the analyses of the
 5 impacts of the EIS that we are addressing today. Mrs. Parker
 6 will discuss these impacts shortly.

7 In addition to the proposed action and its three
 8 training options, the EIS includes the no action alternative,
 9 which analyzes the environment without the additional aircraft
 10 and aircrew relocation, target complex construction, or change
 11 in airspace utilization. This alternative does, however,
 12 include some other actions that have already been adopted, such
 13 as the change from F-111 to F-16 aircraft at Cannon Air Force
 14 Base.

15 The proposal to expand German Air Force operations at
 16 Holloman is important to our country because it advances our
 17 efforts to keep our nation and its vital interests safe through
 18 a strong and well-trained allied team, despite the fact that
 19 U.S. military forces are much smaller today. Keeping this team
 20 ready requires constant realistic training now more than ever
 21 before. And central to this proposal and our ongoing mission
 22 is our responsibility to serve as good neighbors and stewards
 23 of the environment.

24 Thank you for your attention. I appreciate the
 25 opportunity to make this presentation to you tonight.

1 JUDGE HEUPEL: Now Ms. Parker will summarize the
 2 potential environmental impacts associated with the Air Force's
 3 proposal.

4 MS. PARKER: I'm going to try to make it so it
 5 doesn't squeich. Can everybody hear me out there? Is it
 6 squeelching? Please bear with me because I've got the longest
 7 portion of this presentation, so I'll try not to bore you too
 8 much. Thank you, Colonel Hargarten and Colonel Heupel. This
 9 draft EIS describes the environmental impacts that are
 10 associated with implementing the proposed action, which is to
 11 relocate 30 more German aircraft and the associated personnel
 12 and support facilities to Holloman, as well as the three
 13 training options that are part of the proposed action.

14 As Colonel Hargarten mentioned, there are three main
 15 components of our proposal: construction at Holloman to support
 16 the additional personnel, aircraft and the programmatic needs;
 17 training in airspace throughout the region, as well as three
 18 training options to meet the air-to-ground training
 19 requirements.

20 We looked at three options to satisfy the need for
 21 increased air-to-ground training: two of these options involve
 22 new construction on McGregor Range, and the third option would
 23 increase use of the existing ranges. We also looked at the use
 24 of airspace in the region. The Air Force has requested from
 25 the Federal Aviation Administration to approve modifications to

1 military training routes in New Mexico and southwest Texas, as
2 well as the Talon military operations area in New Mexico.

3 The draft EIS examines the environmental effects of
4 the proposed action, both with and without the modified
5 airspace. Also, as Colonel Hargarten mentioned previously, we
6 examined the no action alternative, which considers not
7 implementing the proposal and thus results in no change or
8 impact to any of the environmental analysis categories.

9 I'll discuss the overall impacts to the environment
10 associated with implementing the proposed action, impacts to
11 airspace use and management, environmental impacts of
12 construction of the two new target complex options, as well as
13 the option of using the existing ranges. The existing ranges
14 would be used under all three training options, but their use
15 would be considerably higher under the existing range training
16 option.

17 Before going into any specific impacts, I want to
18 explain how the impacts of the proposed action were compared to
19 the environmental conditions without the proposed action.
20 First we described existing environmental conditions in fiscal
21 year 1995. However, there are a number of actions that have
22 already been approved that would occur whether or not the
23 additional 30 Tornados are brought to Holloman.

24 For example, in 1995, 12 Tornados that are already at
25 Holloman had not yet arrived. Also, a squadron of AT-38s at

1 the base were deactivated just this year, and this was not
2 included in the conditions that prevailed in 1995. In
3 addition, Cannon Air Force Base is in the process of changing
4 from F-111s to F-16 aircraft and they'll be using some of the
5 same airspace that the Tornados would use.

6 Therefore, to provide a baseline to compare to the
7 proposed action, we projected the environmental conditions that
8 could be expected to exist at the time the additional Tornados
9 would be brought to Holloman. This projected baseline includes
10 the ongoing actions that would occur between 1995 and the fall
11 of 1999, or the first quarter of fiscal year 2000, when the 30
12 Tornados would beddown. The draft EIS also discusses
13 cumulative impacts from the proposed action in connection with
14 other reasonably foreseeable Department of Defense actions
15 affecting Holloman Air Force Base and the airspace and ranges
16 in the region.

17 At any given time there are a number of potential
18 actions that could include basing of aircraft, changes in
19 mission for the aircraft at a particular base, or new
20 construction at a base that the Air Force might be discussing
21 or contemplating. Many never make it past the discussion
22 stages, but some do and it's not always possible to call them
23 reasonably foreseeable actions during the early discussion
24 stages.

25 As an example, development of the new F-22 Raptor

1 aircraft is well under way, but the basing process is not yet
 2 out of the discussion stage. Therefore, a discussion of the
 3 possibility of basing an operational F-22 unit at Holloman Air
 4 Force Base is not necessary because it is not now reasonably
 5 foreseeable. The Air Force is also discussing establishment of
 6 new electronic scoring sites for bomber aircraft and if the
 7 decision were made to pursue these sites, it is possible that
 8 they may be located in the mountainous west or the southwest.
 9 But the definitive criteria necessary to formulate this
 10 discussion into a proposal has not yet been developed,
 11 therefore, its precise location is not reasonably foreseeable
 12 and an analysis of this is not included in the EIS.

13 Now to summarize the findings of the draft EIS in the
 14 13 environmental areas analyzed in the document. Tonight's
 15 briefing is an overview of the general findings in each
 16 environmental discipline. And I urge you to refer to the draft
 17 EIS itself for details on the resource impacts.

18 The first resource area we examined was airspace use
 19 and management. Our analysis found that there would be minor
 20 impacts to civil aircraft traffic due to increased operations
 21 at Holloman. None of the three training options under the
 22 proposed action would result in any significant airspace
 23 impacts.

24 The noise analysis examined impacts around the
 25 Holloman airfield and in the airspace and ranges that would be

1 used. At Holloman and surrounding areas, about 41 acres are
 2 currently exposed to day-night average sound levels above 65
 3 decibels or more. Day-night average sound level is a
 4 measurement that averages noise for multiple events, such as a
 5 jet taking off or flying overhead, over a typical 24-hour
 6 period. This measure adds an additional 10 decibels to events
 7 that take place between the hours of 10:00 p.m. and 7:00 a.m.
 8 because of an increase in sensitivity at night.

9 By October of 1999, the affected area would increase
 10 to about 42 acres due to other ongoing projects. Implementation
 11 of the proposed action would further increase this to about 47
 12 acres, a change of about 12%. For either the west Otero Mesa
 13 or the Tularosa Basin training option, sound levels under most
 14 affected airspace away from Holloman would remain essentially
 15 constant or increase by a few decibels. In no case would
 16 average sound levels increase by more than six decibels.

17 Under the existing range training option, sound
 18 levels under affected airspace would increase negligibly at
 19 most locations, or even decrease in some instances; but there
 20 are instances, such as under the Pecos military operations area
 21 near Fort Sumner, that sound levels would increase by as much
 22 as 13 decibels from their existing 45 to 46 day-night average
 23 sound level to about 57 to 59 decibels.

24 Except at the air-to-ground ranges themselves, none
 25 of the airspace areas, military operations areas and training

1 routes, would have average noise levels above 65 decibels under
2 any of the options. The actual sound that's generated by an
3 individual overflight depends on the type of aircraft, its
4 altitude and speed and other factors.

5 As an example, the maximum sound level on the ground
6 directly under a Tornado flying at a hundred feet ranges from
7 117 decibels to 124 decibels. At 500 feet away, which is by
8 regulation the minimum distance an aircraft can be flown next
9 to a person or a structure, a Tornado would generate a maximum
10 sound level of 102 to 108 decibels.

11 Increased operations at Holloman Air Force Base would
12 result in increased noise over portions of White Sands National
13 Monument. Other changes in overflights in affected airspace
14 would result in negligible changes in sound levels in most
15 locations, with no significant effect on land use. In some
16 areas east of McGregor Range and southwest of Artesia,
17 particularly where airspace units overlap, there would be a
18 noticeable increase in the number of overflights that could be
19 annoying to residents and recreationalists.

20 Under the existing range training option, areas near
21 places like Capitan Mountains and Sumner Lake would experience
22 higher overflight increases that could also be annoying to
23 recreationalists. However, even with the increases, the total
24 number of overflights would remain low, with any one location
25 unlikely to be overflown more than once per day.

1 Construction of a new target complex at McGregor
2 Range would result in a reduction to access to portions of
3 Otero Mesa that are south of Highway 506 by recreationalists,
4 BLM workers and ranchers. Access for livestock management, for
5 example, would have to be scheduled around times that the
6 complex would be in use, estimated at about 60 hours per week.
7 Livestock grazing would be able to continue, however, even when
8 the complex is being used.

9 If the new target complex were constructed on Western
10 Otero Mesa about 5,200 acres would be removed from grazing.
11 Under the Tularosa Basin option, no land would be removed from
12 grazing, but access to portions of Otero Mesa would still be
13 restricted for people while the target complex is in use.
14 Neither option would affect access along Highway 506 itself.

15 Air quality would not be significantly impacted by
16 the proposed action. There would be temporary increases in air
17 emissions during construction of facilities at Holloman if a
18 new tactical complex were built, but these emissions would not
19 result in a significant impact to air quality conditions,
20 including visibility conditions. Aircraft emissions would also
21 increase, but not at levels enough to affect the adherence to
22 the national ambient air quality standards.

23 Potential impacts to biological resources from
24 implementing the proposed action would include habitat loss,
25 habitat modification, changes in habitat use by animals, direct

1 loss of animals and temporary disturbances from noise. About
 2 36 acres of vegetation with limited wildlife value would be
 3 disturbed at Holloman Air Force Base for construction of
 4 facilities. In addition, an existing building that is used by
 5 bats as a roost would be demolished. Burrowing owls that are
 6 in the vicinity of proposed facilities at the base would be
 7 relocated. There would be no impacts to threatened or
 8 endangered species or to wetlands.

9 Other potential impacts would include continued
 10 disturbance of vegetation and habitat at existing ranges and
 11 continued temporary wildlife disturbance from noise under
 12 existing airspace. Aircraft flights would increase over much
 13 of the existing airspace compared to the baseline, but the
 14 increases would be relatively small and result in small
 15 increased potential disturbance to wildlife. Peregrine falcon
 16 and Mexican spotted owl nests would potentially be overflowed
 17 more frequently in the areas of Lincoln National Forest,
 18 Sacramento Mountains and Gila Wilderness in New Mexico, as well
 19 as the Apache-Sitgreaves National Forest in Arizona.

20 Southwest willow flycatcher nest habitat along the
 21 Rio Grande and in Arizona may also be overflowed. Bald eagle
 22 winter concentration areas in west-central Arizona, the portion
 23 of the Rio Grande in the region around Elephant Butte
 24 Reservoir, and Brantley Lake and Santa Rosa Lake along the
 25 Pecos River potentially would be overflowed more frequently.

1 These daily overflight increases would be relatively small and
 2 result in a low impact to protected species. Consultation with
 3 the U.S. Fish and Wildlife Service has been initiated and would
 4 be completed prior to use of any of the airspace implemented
 5 under the proposed action.

6 Impacts associated with construction and use of a new
 7 target complex on west Otero Mesa would result in a net loss of
 8 between 500 and 1,040 acres from construction of targets,
 9 firebreaks and roads. In addition, there would be annual
 10 redistribution, which would occur during ordnance cleanup as
 11 well as maintenance. Use of inert ordnance and flares would
 12 increase the potential for fires within the impact area.

13 Up to 46,000 linear feet of Waters of the U.S. may be
 14 affected under this option. Loss of this grassland and
 15 shrubland vegetation would result in a minor loss of wildlife
 16 habitat, including habitat for burrowing owls, aplomado falcon
 17 and black-tail prairie dog and grama grass cactus habitat.
 18 Also, wildlife would probably avoid the new target complex
 19 while inert ordnance was being dropped and during cleanup and
 20 maintenance because of the human presence, as well as the
 21 noise.

22 Increased aircraft sorties would result in more
 23 frequent overflights of wildlife or McGregor Range. For
 24 example, wintering bald eagles, nesting raptors such as the
 25 red-tailed hawks and the northern harriers, and bat habitat,

1 including potential roosts along the escarpment and feeding
2 areas and watering sources would be overflown more frequently.

3 Impacts that are associated with construction and use
4 of a new target complex in the Tularosa Basin would also
5 include short-term loss of virtually all 5,120 acres within the
6 impact area because of the need to remove existing ordnance
7 before constructing any targets. In addition, annual
8 redistribution of about 1,040 acres would occur during ordnance
9 cleanup and maintenance. Use of inert ordnance and flares
10 would also increase the potential for fires under this option
11 as well.

12 About 33,240 linear feet of Waters of the U.S. may be
13 affected by the construction and use of this option. Loss of
14 this grassland and shrubland vegetation would also result in a
15 loss of wildlife habitat, including habitat for the aplomado
16 falcon and the night-blooming cereus. As with the west Otero
17 Mesa option, wildlife would probably avoid the new target
18 complex during dropping of the inert ordnance and during
19 cleanup and maintenance because of the human presence and the
20 noise.

21 Using only existing ranges would result in a slightly
22 higher aircraft use of instrument route 113 and visual route
23 176, compared to the no action alternative. The increased use
24 of visual route 176 would result in a small increased potential
25 for overflights of habitat of peregrine falcons, Mexican

1 spotted owl, bald eagle, whooping cranes, and the southwest
2 willow flycatcher.

3 Impacts from the proposed action to cultural
4 resources on Holloman Air Force Base, under airspace areas, or
5 at existing ranges would be negligible. If a new target
6 complex were constructed on west Otero Mesa, 17 sites eligible
7 or potentially eligible for placement on the National Register
8 of Historic Places could be impacted. If a new target complex
9 were constructed in the Tularosa Basin, 29 eligible or
10 potentially eligible for placement on the National Register
11 could be affected.

12 Water resources would not be impacted by the airspace
13 components of the proposed action. Construction and new
14 facilities at Holloman would result in increased runoff, but
15 common engineering practices would be used to prevent any
16 serious problems resulting from runoff. Increased use of
17 existing ranges would result in negligible impacts caused by
18 runoff, and there is an increased potential for soil erosion
19 during heavy rain. However, resulting impacts to surface
20 waters would be minimal.

21 Increased soil erosion and sediment transport could
22 result from construction and operation of a target complex in
23 the Tularosa Basin, but the impacts would be negligible.
24 Impacts from the west Otero Mesa option would be similar. In
25 addition, there is a chance that water resource improvements,

1 such as pipelines, water tanks and pump houses could be damaged
 2 by inert ordnance. These improvements would be relocated as
 3 necessary or repaired to ensure that the availability of water
 4 for wildlife and livestock is maintained.

5 There would be a 12% increase or about 13,500 pounds
 6 in hazardous waste generated per year and an increase in use of
 7 hazardous and toxic materials at Holloman. Hazardous materials
 8 and waste would be accumulated and disposed of in accordance
 9 with established procedures and would result in no significant
 10 impact on hazardous material and waste management practices.
 11 Hazardous materials and waste management are largely unaffected
 12 by airspace utilization.

13 Munitions on existing ranges would increase, but Air
 14 Force ranges are annually cleared of scrap metal, which is
 15 disposed of through existing orders and regulations. Under any
 16 of the training options munitions use would generate about
 17 150,000 pounds of non-hazardous strap metal each year. Since
 18 cleanup and disposal procedures are in place to handle this
 19 waste, there would be no significant impact to the environment
 20 or hazard from this activity.

21 The proposed action would result in an increase of
 22 about 640 military personnel at Holloman, and generate
 23 approximately 110 construction jobs. Annual wages and
 24 purchases in Otero County would increase by 10% to \$18.2
 25 million, with the potential for other additional infrastructure

1 improvements. There would be no significant impact to regional
 2 socioeconomic attributes, such as employment, construction,
 3 police or fire protection. Cost of the construction of a new
 4 target complex on west Otero Mesa is estimated at \$4 million,
 5 and the Tularosa Basin option cost is estimated at \$20
 6 million. Airspace utilization has little effect on the
 7 socioeconomic conditions.

8 The only transportation impacts resulting from the
 9 proposed action would occur in the City of Alamogordo itself.
 10 Although the proposed action would result in a relatively small
 11 increase in traffic, there would be an adverse effect on
 12 traffic conditions, potentially increasing congestion along the
 13 main road going through Alamogordo.

14 Utility use at Holloman would increase between 6 and
 15 13% under the proposed action, but the increase would be within
 16 existing levels of service. Alamogordo utility use, which
 17 includes water, waste water treatment, waste disposal and
 18 electric and natural gas supply, would increase from 3 to 6%.
 19 There would be no impact on utilities from changes in airspace
 20 or the range use. If a new tactical target complex were built
 21 on west Otero Mesa, a portion of existing water lines and a
 22 stock tank may need to be relocated. The other training
 23 options would have no effects on utilities.

24 Construction at Holloman Air Force Base and Red Rio
 25 and Oscura Impact Areas at White Sands Missile Range could

1 affect soils, but because of the present conditions on these
2 areas, the impact would be minor. Increased live munitions
3 drops at Red Rio could increase vegetation loss and a potential
4 for soil erosion. While increased use of live ordnance at Red
5 Rio could result in increased contamination from uncombusted
6 explosives, past use was found to have caused negligible soil
7 contamination.

8 If the Tularosa Basin new target complex were
9 constructed, virtually 100% of the 5,120 acre impact area would
10 be heavily impacted; that is, all vegetation would be removed
11 in order to clean up existing unexploded ordnance. If the west
12 Otero Mesa target complex were constructed, approximately 20%
13 or about 1,040 acres of the vegetation would be removed. Soil
14 conditions would be unaffected by airspace utilization.

15 Safety impacts resulting from facilities construction
16 would be negligible. There would be a minor increase in risk
17 of aircraft mishap and bird-aircraft strike if the proposed
18 action were implemented. Although munitions use and handling
19 would increase over the current conditions, range operating
20 procedures are in place to ensure safe operations, therefore,
21 no significant impact is expected under any of the training
22 options. There is a potential for increased fire risk if one
23 of the new target complex alternatives is selected.

24 The effects of this proposed action, along with other
25 actions which have been recently implemented, such as the 12

1 Tornadoes that were brought to Holloman last year, and actions
2 which will be implemented in the reasonably foreseeable future,
3 such as the change to F-16s at Cannon Air Force Base, were
4 addressed in the draft EIS's cumulative impact analysis. A
5 comparison was made between conditions as they prevailed in
6 fiscal year 1995 and those that are projected for fiscal year
7 2000 under the proposed action.

8 For some of the resources, no significant cumulative
9 impacts would occur following expansion of the German Air Force
10 operations at Holloman. These resources include airspace
11 management; air quality; archeological, cultural and historical
12 resources; water resources; hazardous materials and waste
13 management; safety; utilities; transportation, and soils.

14 In most cases, cumulative impacts would be related to
15 increases in aircraft operations and the associated noise,
16 which could affect land uses and biological resources. Other
17 activities, such as timber harvesting and grazing could add to
18 habitat impacts, although these impacts would be minor. Other
19 projects in Alamogordo could affect employment and economic
20 activities in the area.

21 To summarize the environmental impacts from the
22 proposed action, most locations would receive negligible impact
23 to the environment. Areas that are projected to be most
24 affected, if the proposed action goes forward, are areas near
25 Alamogordo because of increases in employment, population,

1 traffic and aircraft operations at the base; areas near
 2 Carrizozo because of an increase in nearby overflights; areas
 3 west of Truth or Consequences, in which threatened and
 4 endangered species, such as the bald eagle and Mexican spotted
 5 owl, could be disturbed by potential increases in overflights;
 6 the Fort Sumner area because of potential increases in nearby
 7 overflights if there is an increase in the use of Melrose
 8 Range; near Dell City because of increased nearby overflights;
 9 and the Alpine/Marfa/Fort Davis area could experience increased
 10 nearby overflights if expansion of the German Air Force
 11 operations are approved.

12 Thank you for your attention.

13 JUDGE HEUPEL: Ladies and gentlemen, as I
 14 indicated earlier at this time I'll take clarifying questions,
 15 but let me explain what clarifying questions are. Clarifying
 16 questions are questions about what it was that they just
 17 presented. If you've got questions about current flights,
 18 current sound problems, those types of things, those are
 19 appropriate for you to bring up during the comment period to be
 20 answered in the final EIS, they're not clarifying questions
 21 over what the people have just addressed.

22 But if there's some questions, you know, what were
 23 the number of flights? Can you repeat that? What did you mean
 24 by a particular phrase? We'll try to clarify what it is they
 25 presented, so that you have a better understanding to be able

1 to respond. Now I'll take this lady first. What I'm going to
 2 need to have you do is come up here to the podium and speak
 3 into the microphone and state your name and then go ahead and
 4 ask the question. And ma'am, if you'd go on up here, and then,
 5 sir, if you'd come on up here afterwards, I'll take your
 6 question. And go ahead and address your questions to me,
 7 please.

8 A VOICE: My question's real easy, I'm writing
 9 for the newspaper, could I have your and their names and
 10 spelled please, and ranks.

11 JUDGE HEUPEL: Can we give those to you at the
 12 break?

13 A VOICE: That is fine, but I need to get that.

14 JUDGE HEUPEL: We'll be happy to do that. Yes,
 15 sir.

16 MR. MANESS: I have a question on -- my name is
 17 Lloyd Maness. I have a question on the acreage you quoted, is
 18 that just the area for the bombing range, does that include the
 19 buffer zone and everything?

20 MS. PARKER: The 5,120 acres is the impact area
 21 itself.

22 MR. MANESS: The impact area itself?

23 MS. PARKER: Yes, sir.

24 MR. MANESS: Okay. And I'd like to see that
 25 chart again on the flight areas.

1 JUDGE HEUPEL: You mean the one that has the
2 different training routes?

3 MR. MANESS: Right, right.

4 JUDGE HEUPEL: Okay. Can we put that up there?
5 (Slide placed up.)

6 MR. MANESS: Okay, that's the number I needed,
7 thank you.

8 JUDGE HEUPEL: Okay. Yes, sir. Sir, you had a
9 question?

10 MR. CARROLL: My name is Jerry Carroll. You
11 referred to 12 Tornados currently.

12 JUDGE HEUPEL: (Nods head.)

13 MR. CARROLL: Is that a replacement? Did they
14 replace the one that was crashed?

15 LT. COL. HARGARTEN: Jerry, their PAA is what
16 they refer to it as, the primary aircraft assigned, we refer to
17 12 aircraft, they had approval to bring one more aircraft over
18 about, I'd say four or five months ago, they had approval to
19 bring a 13th aircraft over here to use for spare parts because
20 they were having trouble with their maintenance and their
21 supply chain. That aircraft crashed here just like six weeks
22 ago or so.

23 MR. CARROLL: Yes, sir.

24 LT. COL. HARGARTEN: So now they are back down to
25 12.

1 MR. CARROLL: Thank you, sir. One other
2 question. The United States government doesn't subsidize
3 Germany in any way, shape, form or manner here?

4 JUDGE HEUPEL: Sir --

5 MR. CARROLL: The question was pertinent to the
6 fact that he stated that the German Air Force is paying for
7 everything themselves, or the German government.

8 JUDGE HEUPEL: Paying for the construction costs
9 and the costs associated with bringing the personnel over
10 here.

11 MR. CARROLL: The question is, where are they
12 getting the money from?

13 JUDGE HEUPEL: That's something that none of the
14 people here can address.

15 MR. CARROLL: I see, sir. One other question,
16 sir?

17 JUDGE HEUPEL: Okay.

18 MR. CARROLL: On the biological affects, I've
19 heard nothing in there about the RF affects, is that a
20 pertinent question, because I didn't, what little study that I
21 had on the EIS, I found nothing regarding the radar, the RF or
22 anything else, any biological affects on it. Thank you, that's
23 it.

24 JUDGE HEUPEL: Let me just ask, I know there was
25 nothing in the briefing, do you happen to know whether there's

1 anything in the EIS itself?

2 LT. COL. HARGARTEN: Jerry, I don't believe there
3 is anything in the EIS and please bring that up in the comment
4 period and that possibly will be addressed.

5 MR. CARROLL: Thank you, sir.

6 JUDGE HEUPEL: Thank you, sir. Are there any
7 other clarifying questions? Yes, sir, if you'd come on down
8 here to the --

9 MR. HAYES: If you don't mind, I can do it from
10 up here, I'll speak loud, my hip hurts.

11 JUDGE HEUPEL: Okay, real loud, please.

12 MR. HAYES: Okay.

13 JUDGE HEUPEL: Would you state your name?

14 MR. HAYES: My names is Hayes, James Hayes. I'd
15 like to know from the one slide you just had up there on the
16 air routes, from the Carrizozo airport now, the only way we can
17 really get out of here is go north. Looks to me like you've
18 got some low level routes that are going to really affect the
19 VFR traffic out of the Carrizozo airport to the north. You had
20 some pretty low, if I remember, 100 feet altitude and things
21 like that.

22 JUDGE HEUPEL: A little bit louder, please.

23 MR. HAYES: I'm pretty concerned about that, it
24 seems like that can be a major problem for our people leaving
25 the airport. Granted there are not that many operations, it

1 still would be very dangerous, I've heard people say now that
2 they've been targets of opportunity when they were flying up --

3 JUDGE HEUPEL: Sir, let me interrupt you and just
4 ask -- that's fine to address in a comment period, but let me
5 just ask whether that's been addressed in the EIS itself,
6 whether anybody knows immediately offhand. Part of the
7 difficulty here, ladies and gentlemen, is that none of the
8 people up here, one, are the decision makers, and the people
9 that put all this together, there are a large number of people
10 that put it all together, and so the knowledge is sometimes
11 segmented. And I'm not sure whether the people up here
12 specifically know whether that was addressed in the EIS or not.

13 LT. COL. HARGARTEN: I think we have to, if
14 you'll make that during the comment period, sir. What the
15 point is, and that should be addressed then, is what are the,
16 is there any increased difficulty for civilian aviation to get
17 in and out of Carrizozo, because there's just that narrow
18 corridor that goes to the north with WSMR on the right and the
19 Beak MOAs to the east and then a number of MTRs that enter the
20 Oscura and Red Rio Range, so I think that's a good comment to
21 bring up and I think that should be --

22 MR. HAYES: You're just suggesting I make this in
23 the comment portion?

24 JUDGE HEUPEL: Yes, sir.

25 MR. HAYES: We'll do that.

1 JUDGE HEUPEL: Yes, sir. Are there any other
 2 clarifying questions? Yes, sir, if you'd come down, please.
 3 MR. HORNBACK: My name is Bill Hornback, I've got
 4 a couple on, you mentioned something about scrap removal on the
 5 ranges at the end, or on an annual basis, yes?
 6 MS. PARKER: Yeah, annually, um-hum.
 7 MR. HORNBACK: You mentioned the range, Tularosa
 8 Basin, you would go through there and remove what type of
 9 munitions?
 10 LT. COL. HARGARTEN: Mr. Hornback, what Mrs.
 11 Parker was referring to is the Army, that Tularosa Basin
 12 location -- can you put that slide up, please Mike? That
 13 Tularosa Basin is inside a historic live artillery area that
 14 has been used by the Army for many, many years, that's the
 15 Tularosa Basin location. Before we can go in there and have
 16 construction and build new targets, build the tactical target
 17 complex, if that location was chosen, we would have to go in
 18 there and search for and clean up any unexploded ordnance, it's
 19 just a safety, something we'd have to do for safety.
 20 MR. HORNBACK: To what extent will they clean
 21 that area? That area has been heavily used.
 22 LT. COL. HARGARTEN: Good question. Okay, I'm
 23 going to call on, if it's all right with you, Judge, we have,
 24 Mr. Larry Hoppes here, who's the range manager, oversees the
 25 contract for both Oscura and Red Rio Range and he has been

1 working with the folks down at Egland. Larry, can you come up
 2 to the mike?
 3 MR. HOPPE: Yeah, we're working with an outfit
 4 down at Egland right now, they have a device that will do a
 5 subsurface search for munitions, we're going to go down to two
 6 foot, clearing all the area, so that we can build the targets.
 7 And right now we understand that there's anything from small
 8 bore antiaircraft up to 160 mm rounds out there in that area.
 9 JUDGE HEUPEL: Thank you.
 10 MR. HORNBACK: So that would be one of the
 11 results for putting it in that area?
 12 MS. PARKER: Yes, sir.
 13 MR. HORNBACK: Correct?
 14 MS. PARKER: Yes, sir.
 15 MR. HORNBACK: Another question on your sound
 16 levels, you mentioned going up to the level of 108 DB, yes?
 17 MS. PARKER: (Nods head.)
 18 MR. HORNBACK: What is the noise level required
 19 for pain?
 20 MS. PARKER: There is a reference to that.
 21 MR. HORNBACK: Have you done any checks on that?
 22 JUDGE HEUPEL: Pages C5 and I think C9, this has
 23 come in some of the prior hearings, Pages C5 and C9 in the EIS
 24 address some different decibel levels as well as aircraft
 25 decibel levels.

CX-4

1 MR. HORNBACK: Yes, sir, but they were trying to
2 do a study on that and it got kind of pushed to the side, I
3 just wondered, did they address pain level?

4 LT. COL. HARGARTEN: I'm not the noise expert,
5 but just to relay to the audience the chart that the Judge is
6 referring to on Page C5, what it does is it tries to equate
7 some of these DBs that you're hearing tonight, what are some
8 sounds that we've all heard. So here just looking at this, a
9 vacuum cleaner at 10 feet is 70 DB, an automobile at 100 feet,
10 it looks like about 65 DB and then you get into the oxygen
11 torch, it has, for example, 120 DB. I don't remember a
12 threshold of pain listed here. I have heard numbers I've heard
13 unofficially, but I'm not familiar with one. I don't know if
14 anybody else on our panel is.

15 JUDGE HEUPEL: I think at this juncture to answer
16 your question specifically, that's something that would have to
17 be answered in the final EIS, I don't think anybody here could
18 specifically answer it.

19 MR. HORNBACK: You would address it to someone
20 higher then? Okay.

21 JUDGE HEUPEL: In the final EIS.

22 MR. HORNBACK: The other one, concerning your
23 draft environmental impact versus the arrival of the additional
24 30 GAF aircraft, the no action alternative, if you come and
25 pick that, does that affect the environmental draft or the

1 arrival of additional 30 aircraft? I couldn't pick that out
2 from a discussion, I mean your dissertation there.

3 MR. JOHNSON: The no action alternative would be
4 to not bring the 30 aircraft, not build the range and not do
5 the construction.

6 MR. HORNBACK: So it would concern both.

7 MR. JOHNSON: I don't know what you mean by both,
8 the 12 would stay here.

9 MR. HORNBACK: The environmental impact portion
10 and the arrival of the 30 aircraft?

11 MR. JOHNSON: This document is an analysis of
12 bringing 30 aircraft, it must include the analysis of not
13 bringing the aircraft.

14 JUDGE HEUPEL: In other words, the no action
15 means the planes would not be brought.

16 MR. HORNBACK: Therefore, there would be no
17 environmental impact.

18 JUDGE HEUPEL: That's right, there would be no
19 environmental impact, other than from the nineteen -- over and
20 above from the 1995 as-modified levels that Ms. Parker was
21 talking about.

22 MR. HORNBACK: I would have one more that would
23 concern the three of them, it's been asked in there several
24 times, would you three affirm under penalty of perjury as to
25 the facts that you are alluding to, or presenting tonight as

1 true, correct and complete --

2 JUDGE HEUPEL: That's not a clarifying question.

3 MR. HORNBACK: -- and not intending to mislead?

4 JUDGE HEUPEL: That's not a clarifying question
5 and I'm not going to permit it.

6 MR. HORNBACK: That's the most serious question
7 they can answer.

8 JUDGE HEUPEL: Well, I'm not going to permit it.

9 MR. HORNBACK: Okay, thank you, sir.

10 JUDGE HEUPEL: Okay, at this time we're going to
11 take about a 10-minute break.

12 VOICES: We've got one more.

13 JUDGE HEUPEL: Oh, I'm sorry, after this

14 gentleman we'll take a 10-minute break and those of you that
15 did not indicate that you'd like to speak, and I've got a
16 couple more cards, but if you'd like to speak, and I know a
17 couple of points have been brought up and we'd like to have you
18 expand on that, go ahead and mark the cards so I can get
19 those. Yes, sir, if you'd go ahead and state your name, I'm
20 sorry I overlooked you.

21 MR. BROOKS: That's all right. My name is Paul
22 Brooks. Looking at the map that you had up there with the
23 water lines coming through there and the cleanup and building
24 these target fields, who is going to build that and who is
25 going to replace the water lines?

1 LT. COL. HARGARTEN: Can I answer that, sir? You
2 can point to the water line. The water line is coming out of
3 the foothills down here, this water line here would not have to
4 be moved. Only if this option was chosen, the west Otero Mesa,
5 this section of the water line that comes through the impact
6 area, that would have to be moved. And the split for the
7 range, we said that \$100 million worth of construction would be
8 paid for by the Germans, the split on the range construction,
9 the Germans are paying for 60% of the range construction and
10 the U.S. is paying for 40% and that has to do with the U.S.
11 aircraft will also be using the range. The F-17s, I think they
12 have 300 to 400 sorties on it at night, etcetera.

13 So because of the split, because of the American
14 aircraft using that range, in fact if the Germans left 10 years
15 from now, the range would still belong to us, so that's why we
16 were paying for 40% of it. And as far as moving the pipeline,
17 the U.S., that would be one of the construction costs for the
18 range that would be split 60-40; does that answer your
19 question, sir?

20 MR. BROOKS: Inside the green part there, that's
21 a grazing range, it's going to be left as a grazing range? Who
22 pays for the cattle when they get hit by these things?

23 LT. COL. HARGARTEN: Okay. Do you want me to
24 answer that, Judge? I'll be glad to answer it, I'm just saying
25 -- okay, I'm not trying to interrupt you or anything. This

1 2-by-4-mile area, the cattle would not be grazing inside of
 2 that, of the impact area. They can graze inside of the safety
 3 fan here and we are talking about in here, I think the impact
 4 approximately is 42 cattle, basically a year is what is
 5 impacted by not being allowed to go inside of those two grazing
 6 units. And that's just this acreage here, the 5,000 acres.

7 MR. BROOKS: So the 60% that the Germans are
 8 going to pay for, is that going to be included in replacing
 9 those water lines and drinking tubs and stuff?

10 LT. COL. HARGARTEN: Well, yes, the total range
 11 construction costs will be split 60-40 and it has to do because
 12 the Americans are going to be using the range, too.

13 MR. BROOKS: Another question, on the comment
 14 section, are we going to be allowed to ask the question and get
 15 an answer or are we just going to be able to --

16 JUDGE HEUPEL: You'll be able --

17 MR. BROOKS: Most people came here, they want to
 18 ask the question and get an answer.

19 JUDGE HEUPEL: You'll be able to ask questions,
 20 however, the answers will be provided in the final EIS
 21 statement itself.

22 MR. BROOKS: I mean we can't ask the question,
 23 like ask the Colonel a question, what about this or that.

24 JUDGE HEUPEL: No.

25 MR. BROOKS: He can't answer it?

JUDGE HEUPEL: No.

MR. BROOKS: Well, why --

JUDGE HEUPEL: Because as I indicated the whole
 environmental impact study has been done by a number of
 different people and these people are not the experts in all of
 the areas. This is, part of it also gets into, under the
 National Environment Policy Act process this is a public
 comment period, it's not intended to be a question and answer
 period. So we'll take comments and I'll certainly entertain
 questions that you have, but will they be responded to by the
 people up here? The answer is no.

MR. BROOKS: So if you ask the question, is the
 Air Force for the German Air Force being in here training, we
 can't get an answer on that?

JUDGE HEUPEL: No.

MR. BROOKS: So you're not for it or against it?

JUDGE HEUPEL: It's not appropriate for us to get
 into that. And frankly, to take that example, personal views
 of any of the people up here would be irrelevant.

MR. BROOKS: Well, they're stating, though, what
 the Germans have done for the United States security and they
 have done nothing.

JUDGE HEUPEL: Well, it's not something I'm going
 to argue about, those are the rules. I encourage you, if you
 have questions you want to ask, I encourage you to ask them.

1 However, they'll be responded to --

2 MR. BROOKS: You won't answer it.

3 JUDGE HEUPEL: No, they'll be responded to in the
4 final environmental impact statement itself. Okay, we'll take
5 about a 10-minute break, long enough for everybody to have a
6 comfort break and hand in new statements if they'd like.

7 (Recess was taken.)

8 JUDGE HEUPEL: Ladies and gentlemen, we're going
9 to go ahead and start in now. Has everybody had an opportunity
10 to hand in their cards? It appears so. Let me go through the
11 procedures that we'll be using. First, as I indicated
12 everything is being taken down verbatim, need to have you come
13 up and use the microphone, we've gotten the sound adjusted so
14 that I think it should be louder up here, and ask you to use
15 the microphone so that we can make sure that we have everything
16 that you're saying recorded, and will be able to give it
17 comment.

18 Come up here only after I recognize you, please speak
19 into the microphone and go ahead and state your name and also
20 state what city you're from, I don't need an address but just
21 what city you're from. What I'm going to do, I've got eight
22 cards here and I'm going to ask for a 10-minute limit on what
23 people have to say, that's expansion over what we've normally
24 done, but given the number of cards we've got, I'll go through
25 those and ask you to limit your comments to that.

1 I'll go ahead and raise my hand at that time and ask
2 you to go ahead and finish up with the point you're on, if
3 you're still up here at 10 minutes and then go ahead and take
4 your seat. And the last thing is, the reporter can only record
5 what one person is saying at a time, so I need to make sure we
6 only have one person speaking at a time.

7 I do the cards in random order so that everybody has
8 a chance to speak first, to speak last, to be able to, if they
9 don't want to stay for the whole thing to be able to leave
10 early, or if they've got to stay for the whole thing, to be
11 here later on. So the first person that I come up with would
12 be Paul Brooks.

13 MR. BROOKS: Surprised you there, huh?

14 JUDGE HEUPEL: Random order.

15 MR. BROOKS: We've listened to everybody speak
16 and naturally I think the majority of the people in here are
17 against the increase, mainly because we tolerate the noise, we
18 tolerate the abuse of airspace that these Germans do over
19 here. They come up here and they seem to use the small town
20 for targets. The runway isn't safe when they're flying around
21 because I've made an approach coming in here, they've been
22 right underneath me. And one of the pilots out there yesterday
23 told me he came in day before yesterday and one of them went
24 underneath him.

25 They haven't basically done anything for our

1 community except upset the ranchers and livestock people. And
 2 I know that, you know, they want to be trained over here
 3 because we have the best pilots in the world over here, so I
 4 can see why they want to be trained. The people here in the
 5 United States are 100% behind our pilots. If you came here and
 6 said well, we want to build out here, we want to do some
 7 increased flying and things like this, I'm sure you'd see that
 8 the people would be behind you.

9 But when it comes to foreigners coming in here and
 10 sort of just taking over the area and doing what they want to
 11 do, and so far we've seen no reprimand when people have
 12 complained down there. The last meeting y'all had here, the
 13 very next day two of them went right across the airport and the
 14 town 500 feet above the ground just so they could probably show
 15 you that they do what they want to do.

16 You know, like I say, if you want our opinion, you
 17 know I think I can speak for most of the people in this
 18 community, that we are against it. As a pilot, I'm against the
 19 increase where it jeopardizes the safety of the pilots when we
 20 want to go north or someplace, because we're restricted the way
 21 it is, it's getting worse and worse all the time for, you know,
 22 private individuals to go flying around. And a lot of times
 23 we're used as targets ourselves. And I'm sure that you know
 24 that has happened, probably in your heyday probably you might
 25 have looked at them and flown by them; I have.

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1 But the thing is, you know what it's getting down to
 2 it's all the time it's more money going out, taxpayers are
 3 starting to foot the bill for everything, for letting people
 4 come into the country, they can do what they want and the
 5 taxpayer isn't supposed to pay for it, but he is in the long
 6 run.

7 But the burden, these young airmen come into the
 8 service and they're assigned down in Alamogordo, well everyone
 9 down in Alamogordo's getting rich off these guys, they've
 10 doubled the real estate and getting all this money and these
 11 young kids coming into the service that are starving to death,
 12 they can't get a decent house for them to live in because they
 13 can't afford it, because these people come in from foreign
 14 countries that have more money than we've got.

15 I thought we whipped them once in war, we should have
 16 more money than they've got, but evidently it's reversed, so we
 17 have Japan and everything, they've got more money than we've
 18 got. I'm against them coming in, that's all there is to it.

19 JUDGE HEUPEL: Thank you, sir. Lloyd Maness, is
 20 that correct?

21 MR. MANESS: Close enough. My name is Lloyd
 22 Maness, I'm from Corona, I've got a couple of resolutions I'd
 23 like to read to you from the New Mexico Wool Growers that was
 24 passed today in our meeting. It says resolution opposing low
 25 level training flights over west Texas and eastern New Mexico.

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1 Whereas, the U.S. Air Force is proposing low level
2 training flights of approximately 100 feet above the areas of
3 west Texas and eastern New Mexico; and

4 Whereas, these low level flights will adversely
5 affect the environment of this region; and

6 Whereas, these low level flights will adversely
7 impact public land permittees and lessees and private land
8 others who use these lands for grazing; and

9 Whereas, these low level flights will adversely
10 impact recreational use of the land area; and

11 Whereas, the low level flights will adversely impact
12 the economy of the region and States of New Mexico and Texas.

13 Therefore be it resolved the membership of the New
14 Mexico Wool Growers oppose low level flights over west Texas
15 and Eastern New Mexico.

16 The other one is opposing the use of west Otero Mesa
17 on McGregor Range for German bombing practice.

18 Whereas, the U.S. Air Force is proposing using the
19 west Otero Mesa on the McGregor Range for German Air Force
20 bombing practice; and

21 Whereas, the use of this land will adversely impact
22 the environment of the McGregor Range; and

23 Whereas, use of this land will adversely impact
24 public land permittees and lessees who depend on these lands
25 for grazing; and

1 Whereas, the use of this land for bombing practice
2 will adversely impact recreational use of this land area; and
3 Whereas, the conversion of this land to bombing
4 practice will adversely impact the economy of Otero County, the
5 surrounding region and State of New Mexico.

6 Therefore be it resolved the membership of the New
7 Mexico Wool Growers opposes the use of west Otero Mesa of the
8 McGregor Range for bombing practice by the German Air Force.

9 Be it further resolved the membership of the New
10 Mexico Wool Growers oppose the use of American facilities and
11 lands for the training of foreign troops. Those are from the
12 New Mexico Wool Growers. I've got some personal comments.

13 JUDGE HEUPEL: Let me ask, are you going to
14 submit those, sir?

15 MR. MANESS: Those are submitted right at this
16 moment.

17 JUDGE HEUPEL: Great, thank you.

18 MR. MANESS: I've got a little problem with low
19 flights. I lost a tank a few years ago due to the low level
20 flights causing the water to vibrate and bust a stock tank for
21 me. These flights are still continuing, they're not as low as
22 they were, but when you start getting down at a hundred foot
23 coming across my house and tearing up my property, I'm going to
24 get a little hot, and that IR-133 area is the area. Not only
25 does it affect my house, it affects my other property around

1 the house, it affects my livestock, and it affects me.

2 So I get a little unhappy when I see a jet coming
3 across my property, and I've got neighbors that feel exactly
4 the same way. So I think you better look at that low flying
5 area real close. I'm a little unhappy with it and have been
6 for quite a few years. The fact is, I've threatened to shoot
7 down a few of them, much as I'd dislike to, but I will.

8 Because it does affect me more ways than one. And I don't like
9 low flying airplanes anyway. That's all I've got to say.

10 JUDGE HEUPEL: Okay, thank you, sir. The only
11 thing that I would say is I've heard some people express that
12 before, shoot one of them down. And I guess I would have to,
13 perhaps it's the judge in me, but caution folks that not only
14 would that be a federal offense, but you know what would
15 concern me is if somebody decided to take a shot at an airplane
16 and it hit, it might just go into your neighbor's house. And I
17 would have a hard time living with myself if I were to do
18 something like that and ended up killing my neighbors.

19 So I hope that -- I'd hope even -- I understand how
20 upset you can be, but I hope that people not use that
21 expression or entertain that scenario in reality because
22 there's two different aspects of it I wouldn't want to deal
23 with as a judge. I'm sorry for the editorial comment, but I
24 feel constrained to say that.

25 Okay, let me shuffle some more. James Hayes. Mr.

1 Hayes, I'm sorry, but I would appreciate it if you --

2 MR. HAYES: That's all right, we can make it, for
3 this we'll make it. My name, as you heard, is James Hayes. My
4 major concern is the area, the flight area north of the
5 Carrizozo airport, getting up to where we can finally get off
6 and away from the military operating zones. Now listening to
7 numbers the Colonel had, it looks to me like you're talking
8 about three operations a day minimum, is that somewhere near
9 right? Well, I'm not supposed to ask questions. All right,
10 fine.

11 You're talking about 100 foot elevations VFR, 200
12 feet on radar, that seems to be awfully, awfully low in a VFR
13 corridor, which is what we have there, is a VFR corridor. It
14 looks to me like we've got a real safety problem. If you're a
15 private pilot flying out of the Carrizozo airport, your chances
16 of being a target of opportunity for the German Air Force guy
17 is going to be pretty damn good. On top of that, if he's just
18 flying long and he can't see you, you've got a very good chance
19 of a midair collision. So I see that as a real hazard.

20 I think there's, God only knows how many acres of
21 land on the White Sands Proving Missile Range that can be used
22 for these things. I see no point in going into expanding, and
23 really that's what it amounts to, to me you're expanding the
24 military operation areas in the areas that the civilian
25 airplanes really need. I can sympathize with the gentleman

1 with his concept, but I can also understand why that's not a
2 good idea.

3 The problem I see, you probably have had five or six
4 meetings like this in the past, nothing seems to be
5 accomplished, the civilian side of this just doesn't seem to be
6 heard. I think what we do, we passify the civilians in the
7 world, the taxpayers, if you will, and we passify them by
8 listening to them but we really don't do anything, we do what
9 the Air Force wants to do anyway and that's a real problem for
10 me. To me this is still a government of the people, by the
11 people and not by the Air Force. Done.

12 JUDGE HEUPEL: Sir, do I recall your comment when
13 you were asking the question earlier that, I mean you may have
14 said it, but part of your concern is about the ability for
15 private pilots to be able to get out of the airport here?

16 MR. HAYES: What's happening now, right. The
17 routes that I saw depicted on the chart, you're going to be,
18 you're going to have two routes that are going to be right on
19 the corridor that the VFR pilot leaving the Carrizozo airport
20 has to use. He has to go to Corona, then go east or west or
21 north from there. And we're restricted by some hills and some
22 other goodies there, but now we're going to be doubly alert for
23 German Air Force operations. And if the three a day number
24 holds true, that could get real serious.

25 JUDGE HEUPEL: I just wanted to make sure it was

1 clear on the record, part of what your concern was and what you
2 had to do, when they look at it and why you've got the
3 concern. In other words, as you're saying you have to go to
4 Corona.

5 MR. HAYES: Well, to leave the Carrizozo airport
6 you basically have to go to Corona or somewhere very close to
7 Corona to go east or west or north. You're severely restricted
8 in getting there, you really fly basically up the highway.

9 JUDGE HEUPEL: Thank you, sir.

10 MR. HAYES: You're sure welcome, thank you.

11 JUDGE HEUPEL: William Wrye.

12 MR. WRYE: I guess I dropped that card out there,
13 I knew I had one. I live about 46 miles northwest of here and
14 the area that you have on that map there doesn't really affect
15 me except that there'll be more planes flying up our way. And
16 I've had them fly right over our house, not, in fact they have
17 to raise up to get over the high lines.

18 And one time last year I was in the barn shoeing a
19 horse and they flew over the plane -- the plane flew over the
20 barn so low that it scared the horse and he knocked me down and
21 I rolled out in the corral and I got up and looked and he was
22 going on, a little smoke going on and it broke the sound
23 barrier.

24 And I called White Sands about it and talked to them
25 and they said well, you just get the number of the plane why

1 we'll -- (laughter from the crowd). Well, I couldn't even tell
 2 what kind of plane it was, it was gone. But I don't like, I'm
 3 like the gentleman that spoke there while ago, I don't like
 4 those planes flying so low. Now about a week ago I was riding
 5 up in my east pasture and there's a little hill there. I saw a
 6 plane coming and I got up on the hill and he just pulled over
 7 enough to miss me and went in a little valley between and oh,
 8 maybe 50 feet high, lower than I was and I could see the top of
 9 the plane.

10 Well, he was flying too low and he flew right over
 11 our house. My wife said he flew right over our house, scared
 12 the dogs to death. I don't know if he broke the plaster or
 13 not, but it's broken, but that's the main thing my concern is,
 14 these low flying airplanes. And I think they need to be
 15 admonished to stop them from doing that. The general at White
 16 Sands said well, get the number if you can. Well, I can't even
 17 tell what kind of plane it is it goes by so fast. And another
 18 thing, he said well, some of those planes are not ours, they
 19 come from Holloman. Well, I don't know where they come from,
 20 but I know one thing, they fly too low. That's all I have to
 21 say.

22 JUDGE HEUPEL: Thank you, sir. Let me -- Colonel
 23 Hargarten gave it out before, but this has come up at some
 24 other hearings and the Holloman Air Force Base Public Affairs
 25 office is, if you've got problems, encouraging you to call

1 them. Let me repeat the phone number that Colonel Hargarten
 2 gave out earlier, because you may have more success talking
 3 with them.

4 I think we all understand that you don't really know
 5 what base any particular airplane came from and you may well
 6 not know what kind of airplane it is and they'll try to sort it
 7 out. It's area code 505-475-5406. And that is listed at the
 8 top of this one handout that's got all the libraries that the
 9 EIS was sent to. But if you try calling that, when you've got
 10 some problems try calling that number, they're indicating
 11 they're sure going to do their darndest to find out the
 12 information and get back to you.

13 MS. FULTON: Oh, yeah, they sure do, we never
 14 hear from them.

15 JUDGE HEUPEL: So that's at least a, all I can
 16 say is that may be a start to --

17 MR. WRYE: Several of my neighbors have done that
 18 and they didn't get any response at all. They still fly over
 19 the same way.

20 MS. FULTON: And they won't admit receiving your
 21 phone calls.

22 JUDGE HEUPEL: Well, all I can tell you is I've
 23 been assured that Holloman is going to be working this thing
 24 hard. I can't tell you more than that, and I'm not from
 25 Holloman, but we've heard some of these complaints in other

1 places and I know some people called Clovis and I've heard of
 2 people calling other places and what I have heard is some
 3 people calling Holloman and it's taken a while to work things,
 4 but try to get back. Now will that stop the flights? I can't
 5 address that, but at least if something's happening that you
 6 don't think ought to be happening, I just want to repeat that
 7 phone number that Colonel Hargarten gave out.

8 Okay, I've got four cards left here. Wally
 9 Ferguson.

10 MR. FERGUSON: I'm Wally Ferguson and I live west
 11 of Carrizozo. I have a couple of questions about the
 12 environmental impact. Do you have identifiable areas of noise
 13 level that is unacceptable for human beings, does somebody have
 14 that, you can -- somebody else can do that in the final EIS?
 15 And also, do you have monitors in any of these flight path
 16 areas that would establish this.

17 The other comment, you mentioned while ago that there
 18 would be no livestock damage by any of these and what guides do
 19 you have on this? Mr. Wrye said that he had some damage and
 20 we've had other damage, so we need something to establish there
 21 what is, when you say there's no livestock damage we need to
 22 know a little better monitor on that, because there is some in
 23 that area.

24 Also the third thing I'd like to ask about is, if an
 25 area became available outside of the Missile Range or the areas

1 now, would you have new target areas, would you establish new
 2 target areas? Is NATO, are you committed to NATO enough that
 3 you need to have some regardless? I think that's all of the
 4 questions I have.

5 Ch, the one thing in all of the, the other hearing or
 6 the comment period that you had, we're not addressing our own
 7 aircraft, you're addressing the foreign aircraft and we have a
 8 large amount of our own aircraft, combination there. You
 9 addressed the fact that it won't increase that much. Well, we
 10 don't know what that much is when we already have some. We
 11 need a standard there. Thank you.

12 JUDGE HEUPEL: Thank you, sir. Jerry Carroll.

13 MR. CARROLL: My name's Jerry Carol, I live in
 14 Oscura. I've been overflown by almost everything that you've
 15 got out there, including a Russian helicopter KA-27 Helix, even
 16 got the numbers off of it, we still don't know why he was
 17 there, especially when he came back at 11:45 at the same
 18 altitude, about 75 feet. However, I want to thank the Air
 19 Force, they have significantly reduced the overflights over my
 20 northeast corner of Oscura townsite, I appreciate it, I really
 21 do.

22 And the Air Force, we have no problem with, the
 23 occasional overflights that they make or that the law
 24 enforcement people make, we have no problem with. But these
 25 Germans, you're not in control, even, they have significantly

1 reduced their overflights also, but just today they had one
2 from the northeast to the southwest. He was legal but these
3 aircraft are named Tor-nay-dos, not Tor-na-dos for a reason,
4 they're exceedingly noisy. And we would like to make sure that
5 they do not fly too low. If they stay out on the range, if
6 they stay away from civilian population, I don't think anybody
7 has any problem with them coming in or training.

8 I like the German people, I think that some of them
9 will probably become American citizens from coming over here.
10 I've talked to a lot of them at gun shows and other places and
11 they're fine folks, they're just like us. But what we do not
12 want is for them to disregard our laws, or flight areas, our
13 airspaces. And to that effect we've got a petition to the U.S.
14 Congress, it's to Congressman Honorable Joe Skeen.

15 It says, "We the people are petitioning for
16 legislation that will restrict all aircraft to above 1,000 AGL,
17 above ground level, over all private and public property,
18 excluding approaches to airports inflight and medi-vac aircraft
19 emergencies and present military restricted airspace. Military
20 ranges are not to be expanded without local community
21 approval. Pilots violating this legislation shall be
22 accountable to civil authority. All aircraft flying in the
23 above mentioned airspace shall be clearly marked under the
24 wing and both sides as to the aircraft, as to the country of
25 origin, branch of service and clearly numbered", which they are

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1 not.

2 The only way that we can get a number off of them is
3 if we have part of the equipment. And I think the Judge said
4 that's not the way to go with this.

5 To that point, I have posted my private property,
6 northeast corner of Oscura townsite as no trespass. And it
7 says, "Notice of Foreign Law on Private land." It says, "Read
8 before entering: You are hereby notified that entering this land
9 or airspace, AGL 1500, subjects you to this contract." Excuse
10 me, I've got to see this. "This land and airspace, hereinafter
11 is referred to as simply this land, is private, and is not
12 subject to public use or control. The owner has the character
13 *suae potestate esse*." I cannot pronounce it, thank you, judge,
14 anyway, I appreciate your help.

15 "Over this land flies the American banner of peace
16 and the law thereon is the Holy Scriptures, and the Christian
17 lex non scripta. The owner has enacted other various
18 ordinances, to which all who enter this land are subject.
19 Among these ordinances is a \$5,000 land use fee, charged per
20 man or woman, per day or any part of a day, for any man or
21 woman (hereinafter, lessee) entering upon this land without
22 prior written license in his possession at all times while on
23 this land.

24 Acceptance of all ordinances shall be evidenced by
25 the presence of any man or woman upon this land, not in

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1 possession of said license and shall create a constructive
 2 lease agreement, binding lessee to the terms of all ordinances
 3 which the owner has laid upon this land. Said fee shall be
 4 deemed due and payable in full within 30 days from the first
 5 notice, and payment shall be made in silver coin at full face
 6 value.

7 Lessee hereby agrees that if payment of said fee
 8 becomes delinquent, that said amount shall become a lien upon
 9 all of lessee's non-exempt property. Any property brought onto
 10 this land by lessee is subject to impound until settlement is
 11 made in full. Other ordinances are in effect upon this land,
 12 to which all who enter are subject, unless exempted by
 13 license. A complete list of ordinances may be obtained from
 14 the owner.

15 Ignorance of the law shall not be an excuse, nor
 16 shall it relieve any person from liability therefor. Notice is
 17 hereby given that any license, lease, or right of usage may be
 18 revoked with five minutes notice. Revocations shall not
 19 relieve anyone from liabilities already incurred. Verbal
 20 invitees given five minutes grace as to fee only.

21 This is notice to agents of government. By entering
 22 this land, you accept all of the above stated terms in full.
 23 Additionally, you affirm both individually and in your official
 24 capacity under penalty of perjury, under the laws of these
 25 United States of America (Title 28 U.S.C. Sec. 1746) that you

1 will support the constitution of these United States of America
 2 and the constitution for this republic, and all the laws
 3 promulgated thereunder in conformance with the above named
 4 constitutions and will extend and protect the unalienable
 5 rights assured therein to the owner, and those under his
 6 protection, and will faithfully perform all the duties of your
 7 office as it relates to them, in compliance with the above
 8 constitutions to which you acknowledge that you have already
 9 taken an oath to perform said acts or actions to the best of
 10 your ability.

11 Violations of the rights of the owner, or those under
 12 his protection, shall be assessed a civil penalty of one
 13 million dollars in silver coin for each violation. Damages may
 14 also be prosecuted under Title 18 U.S.C. 1621 and Sec. 241 and
 15 Title 42 U.S.C. Sections 1986, 1985 and 1983, resulting in up
 16 to ten years in prison and additional civil penalties.

17 The owner may be contacted by sending correspondence
 18 to the following location, that's P.O. Box 746, Carrizozo, New
 19 Mexico 88301." And sir, I thank you.

20 JUDGE HEUPEL: Thank you, sir. Would you like to
 21 submit that?

22 MR. CARROLL: Yes, sir.

23 JUDGE HEUPEL: Or both of those?

24 MR. CARROLL: These for the record, besides that
 25 I couldn't pronounce that.

1 JUDGE HEUPER: Okay, thank you, sir. Two cards
2 left, I don't know who is where, so I'm going to just turn this
3 over. Floyd William Hornback.

4 MR. HORNBACK: My name is Floyd William Hornback,
5 Alamogordo. "I, Floyd William Hornback, being first duly sworn
6 according to law, having firsthand knowledge of the facts
7 herein and being competent to testify, do affirm that the facts
8 herein are stated by the plaintiff, and are true, correct and
9 complete, stated under penalties of perjury pursuant to the
10 laws of the United States of America.

11 Know all men by the presents, brings this notice for
12 the people of these United States of America and for the County
13 of Lincoln under the American flag of peace, without attorney,
14 ex rel, now defines and states: **Ex rel.**: For the people of the
15 United States defined. . . But it is the manner of enforcement
16 which gives Title 42 U.S.C., (which is the United States Code),
17 Section 1983 its unique importance, for the enforcement is
18 placed in the hands of the people.

19 Each citizen acts as a private attorney general who
20 takes on the mantle of the sovereign, guarding for all of us
21 the individual liberties enunciated in the constitution.
22 Section 1983 represents a balancing feature in our government
23 structure whereby individual citizens are encouraged to police
24 those who are charged with policing us all. Thus, it is of
25 special importance that suits brought under this statute be

1 resolved by a determination of truth.

2 You all have sworn an oath of office to support and
3 defend the constitution and the laws of this state and these
4 United States. Having taken such oath before a competent
5 tribunal, officer or person authorized to administer such
6 oaths, any breach thereof may constitute a liability to you in
7 both your individual and official capacity of which you may, by
8 a breach, waive any immunities to suit therefore.

9 A breach may constitute a false swearing to your oath
10 and is a violation of the constitution of these United States
11 and of Article XX, Section 1 of the constitution of the State
12 of New Mexico, and constitutes perjury. This perjury is a
13 violation of Title 18 U.S. Code Section 1621, and may possibly
14 be considered a conspiracy under Title 18 U.S.C. Sections 242,
15 for the deprivations of those rights as secured to the citizens
16 under the constitution of these United States of America.

17 Title 42 U.S.C.A., (U.S. Code Annotated) Section
18 1986, action for neglect to prevent. Every person who having
19 knowledge that any of the wrongs conspired to be done and
20 mentioned in Title 42 U.S.C.A. Section 1985 of this title, are
21 about to be committed, and having power to prevent or aid in
22 preventing of the commission of the same, neglects or refuses
23 to do so, if such wrongful act be committed, they shall be
24 liable to the party injured, or person's legal representatives,
25 for all damages caused by such wrongful act thereon.

Title 42 U.S.C.A. Section 1985 conspiracy to

interfere with civil rights. Two sections before, and I will continue in, are, if two or more persons conspire for the purpose of impeding, hindering, obstructing or defeating, in any manner, the due course of justice in any state or territory with the intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws.

And going to Title 42 U.S.C. Section 1983,

deprivation of rights, every person who, under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia, subjects or causes to be subjected any citizen of the United States, or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress.

You are hereby noticed pursuant to Title 42 U.S.C.A.

Section 1986, for knowledge of the law, as to your high standards of law, and as witness, that any neglect to prevent constitutional wrongs from injuring these citizens, that if such negligent proximately causes damage it will give rise to an action in tort, further, be advised by acting in concert with others, this may be construed as conspiracy under Title 42

U.S.C.A. Section 1985.

Fraud is an intentional perversion of truth, for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. False representation of a matter of fact, whether by words or by conduct, by false or misleading allegation or by concealment of that which should have been disclosed, which deceives and is intended to deceive another, so that he shall act upon it to his legal injury. Bad faith and fraud are synonymous.

Title 18 U.S.C. Section 872, extortion by officers and employees of the United States. Whoever, being an officer or employee of the United States or any department or agency thereof, or representing himself to be assuming to act as such, under color or pretense of office or employment commits or attempts to commit an act of extortion, shall be fined under this title with imprisonment not more than three years, or the fine which I didn't relate.

Air rights, important situation in this time, air rights is defined, the right to use all or a portion of the airspace above real estate. Such right is vested by grant; for example fee simple, lease or other conveyance. While commercial airlines do have a right to fly over ones land, if such flight paths interfere with the owner's use of such land, the owner is entitled to recover the extent of actual damages

1 suffered by him.

2 Posting, that's in connection with trespass
3 statutes. The act of placing or affixing signs on private
4 property in a manner to give notice of the trespass.

5 Trespass, an unlawful interference with one's
6 property, person or rights. An unauthorized intrusion or
7 invasion of private premises or land of another. Criminal
8 trespass is entering or remaining upon any land by one who
9 knows he is not authorized or privileged to do so. Intrusions
10 upon, beneath and above surface of land. One, except as stated
11 in subsection 2, a trespass may be committed on, beneath or
12 above the surface of the earth. No. 2, flight by aircraft in
13 the airspace above the land of another is trespass, if and only
14 if it enters into the immediate reaches of the airspace next to
15 the land. And B, if it interferes substantially with the
16 owner's use and enjoyment of his land.

17 Trespass with force and arms. Common law action for
18 damages for any injury committed by the defendant with direct
19 and immediate force or violence against the plaintiff or his
20 property."

21 JUDGE HEUPEL: You've got two minutes left.

22 MR. HORNBACK: Thank you, sir. "Liability for
23 intentional intrusions of land. One is subject to liability to
24 another for trespass, irrespective of whether he thereby causes
25 harm to any legally protected interest of the other, if he

1 intentionally enters land in possession of the other, or causes
2 a thing or third person to do so.

3 Any person or persons having knowledge of these facts
4 and who has fiduciary duty to act in a reasonable manner to
5 either prevent or correct the wrongs taking place or having the
6 power to prevent or aid to prevent the commission of the same,
7 shall be liable to the plaintiff or his legal representatives
8 for any and all damages caused or incurred by such wrongful
9 acts, actions, inaction or omission, which such person could
10 have, by reasonable diligence prevented, may be joined pursuant
11 to Title 42 U.S.C.A. Sections 1986, 1985 and 1983, in any
12 action taken as a result of these wrongs.

13 Any complaint for damages can be filed under the
14 American flag of peace of the United States of America. And
15 I'd like to have this filed as record. If it would be all
16 right, I'd like to submit this tomorrow at the Alamogordo
17 meeting or would it matter?

18 JUDGE HEUPEL: It doesn't really matter, if you'd
19 like to submit that, I'll be happy to take it at this time.
20 However, I will make a distinction, it's submitted for the
21 record of the EIS, but you used the term filing and as a judge,
22 I would just say it is not a filing but it is a submission.

23 MR. HORNBACK: Submission. It is considered
24 constructive notice. Thank you, sir.

25 JUDGE HEUPEL: Thank you.

MR. HORNBACK: And as my own opinion, I stand in the support of the no action alternative, I also oppose any aircraft controlled and piloted by foreign personnel sworn to uphold the UN Charter, this is in writing.

JUDGE HEUPEL: Thank you. Glen Howard.

MR. HOWARD: My name is Glen Howard. I live in White Oaks, which is outside of Carrizozo. I wish to address the noise problem in some more detail. In the preliminary EIS, I guess that's what it's called, yeah EIS, you addressed the noise problem in some detail, going into the rather mundane, rather low level noise problem, which is really of no consequence except to some environmental whackos who might want pristine quietness in a wilderness area.

The real problem is those impulses, those unexpected loud noises, those loud blasts, I guess as you might say, that occur when you get a low pass and that has been addressed a couple of times here and addressed extensively in other meetings. And that problem is not sufficiently addressed here, it's included in the overall noise description, but you included it in the averaging and that really disguises the basic problem, that is those loud noises and they should be identified not as an average, but simply as peak levels. Those are the quantities of measurement, the quantities that should be expressed.

In your EIS here, you have a chart which describes

the sound level in a discotheque as 110 DB. And you, lovely lady there, expressed the 108 DB as the noise level of a Tornado at 100 hundred feet. I'm suspicious of those levels, I think they're optimistically low. When we hear an individual describing a stock tank being disrupted and other effects, 108 DB doesn't sound high enough. And I am going to refer to your EIS again and read a statement here, only sounds lasting more than one second above a sound level of 130 DB. 130 DB are potentially damaging to structural components.

Going on to the next paragraph, this is on page C17, one finding in that study is that sound levels at damaging frequencies, this is structural damaging, by the way, e.g. 30 hertz for wreckage of and blah, blah, blah, are fairly above 130 DB, suggesting indeed it does happen. His stock tank suggests you are approaching 130 DB.

Now, let me remind you, if my calculations are correct, a discotheque at 110 DB, we all know what is happening to our children when they go to those discotheques, they're losing their hearing. Realize now that 130 DB is something like 60 to 100 times more intense than that. And this suggests the possibility that this one level, this one blast might have even potential hearing damage to those on the ground who are in that immediate vicinity.

That would be really the major consequence that we should be concerned about, I suppose if the military is willing

1 to compensate for property damage, why that, the property
2 damage is probably not the major consequence, but at 130 DB
3 we're talking about damage to our hearing, I suspect. Just
4 like would be the case, one shot might cause permanent hearing
5 damage, just as one shot from a rifle, high powered rifle shot
6 next to your ears might cause permanent hearing damage.

7 So anyway, you should be looking, I suspect another
8 speaker here mentioned sound level meters, actually run some
9 tests and see if those, just how high levels you are getting.

10 Now, realize that this happens when the jet comes
11 right over your house. There's a second problem that no one
12 has addressed, Jerry just mentioned it briefly, when you have
13 that jet coming over that close, I raise the question, what are
14 the RF levels, the radio frequency levels from the radars and
15 such, assuming you use them, I don't know, maybe you don't use
16 them. But if you do, those are of a pulse nature and could be
17 very, very intense.

18 And again, it's a one shot situation, but a one shot,
19 I'm sure you are all, all required not to stand in front of
20 those radars when they're being tested. And obviously the only
21 time that you have a problem is when that jet is coming right
22 over you, and when you're on the front end of it. But it's a
23 question. Perhaps it has been addressed, perhaps not. It's
24 something you won't feel. We all can feel that noise, but we
25 don't feel the effects of a radar pulse.

1 So that's just a matter of making the measurements
2 and in fact the theoretical data should be available to see if
3 it has any potential for biological damage. Thank you.

4 JUDGE HEUPEL: Okay, thank you, sir. That's all
5 the cards that I've got. I was going to say, and I think you
6 may have come in late, but I was going to say is there anybody
7 else who hasn't spoken, who does have some comments? Sir, if
8 you'd come down here and if you'd state your name, please.

9 DR. FULTON: Thank you, sir. Dr. C.L. Fulton.
10 In what Glen Howard has just presented to you, it's obvious
11 that I have hearing aids in both ears. Having been at Air
12 Force installations for well over 29 years, around jet
13 aircraft, the noise that we hear is very damaging, however it's
14 the frequencies that we don't hear that destroy the hearing
15 senses, the hearing fibers, this comes both from intake and
16 exhaust of jet engines.

17 This was verified and confirmed to me at Wright
18 Patterson at the medical labs there when I was in flight test
19 groups there at Wright Patterson. So this gentleman's told you
20 what noise levels, I wanted to instill that it's the
21 frequencies that we don't hear that also adds to severe ear
22 damage. This is one of the reasons why I have hearing aids.
23 I'm also a veteran on total disability, but thank you.

24 JUDGE HEUPEL: Thank you, sir. Is there anyone
25 else who hasn't spoken who would like to make a comment? It


1 appears not. I do want to thank all of you for your comments.
 2 You've raised some questions here tonight as well that have not
 3 been raised at some of the other hearings and we appreciate
 4 your concern and I understand, and I understand from some of
 5 the people, from quite a few of the people at the different
 6 hearings who have some similar concerns and particularly with
 7 the low level flights, and your input is very helpful.

8 I do encourage you, if you didn't make comments, or
 9 even if you did and would still like to, to go ahead and send
 10 any additional comments in, remembering that they need to be
 11 received by the 4th of August at Langley and that address is at
 12 the bottom of the comment sheet. So thank you very much for
 13 coming out tonight, the hearing is adjourned.

(Hearing adjourned at approximately 9:10 PM.)

1 STATE OF NEW MEXICO)
 2) ss Reporter's Certificate
 3 COUNTY OF OTERO)
 4

5 I, R. JAN WIMBERLY, CCR No. 13 within and for the
 6 State of New Mexico, do hereby certify that the foregoing and
 7 attached Transcript of Proceedings of the Public Meeting held
 8 July 11th, 1997, at 6:00 o'clock P.M., was reported by me, and
 9 that the transcript is a true and accurate record of the
 10 meeting to the best of my knowledge, skill and ability.
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 R. Jan Wimberly, CCR No. 13

***Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico***

SIGN IN SHEET

PUBLIC HEARINGS

DATE 7-11-97

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

2. Next, it is important to gather relevant information and data. This can be done through research, consultation with experts, or by analyzing existing data sets.

3. Once the information is gathered, the next step is to develop a plan or strategy to address the problem. This may involve breaking the problem down into smaller, more manageable parts.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress along the way.

5. Finally, it is essential to evaluate the results and determine whether the problem has been successfully solved. If not, adjustments may need to be made to the plan.

[illegible][illegible]

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

[illegible]

1

100

[illegible]

144

Table 1 The mean values of the variables measured during the study

Variable	Mean value
Age (years)	26.7 ± 0.8
Height (cm)	179.2 ± 1.2
Weight (kg)	75.8 ± 1.5
BMI (kg/m ²)	23.5 ± 0.4
VO _{2max} (ml/min/kg)	48.5 ± 1.2
Lactate threshold (mmol/L)	2.1 ± 0.1
Heart rate (b/min)	155 ± 5
Power (W)	250 ± 10
Time (min)	30 ± 2

1000

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Expansion of German Air Force Operations at
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 Becky Howard St. Rt. 2 Box 49 Carrizozo NM 88301
 Tony Capacci P.O. Box 146 Carrizozo NM 88301
 Paul C. Bruck PO Box 749 " " 88301
 Barbara Gullett P.O. Box 881 Carrizozo NM 88301
 Linda C. Fulton P.O. Box 9 Carrizozo NM 88301

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NEW MEXICO WOOL GROWERS RESOLUTION

A RESOLUTION OPPOSING LOW LEVEL TRAINING FLIGHTS OVER WEST TEXAS
AND EASTERN NEW MEXICO

Whereas, the U. S. Air Force is proposing low level training flights of approximately one hundred feet above the areas of west Texas and Eastern New Mexico; and

Whereas, these low level flights will adversely affect the environments of this region; and

Whereas, these low level flights will adversely impact public land permittees and lessees and private land owners who use these lands for grazing; and

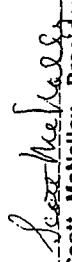
Whereas, these low level flights will adversely impact recreational use of the land area; and

Whereas, the low level flights will adversely impact the economy of the region and States of New Mexico and Texas.

Therefore be it Resolved the membership of the New Mexico Wool Growers oppose low level flights over west Texas and Eastern New Mexico.

Done this 11th day of July, 1997 at the 1997 annual convention.

Signed:


Scott McNalley, President

NEW MEXICO WOOL GROWERS RESOLUTION

A RESOLUTION OPPOSING THE USE OF THE WEST OTERO MESA ON MC GREGOR
RANGE FOR GERMAN BOMBING PRACTICE

Whereas, the U. S. Air Force is proposing using the West Otero Mesa on the Mc Gregor Range for German Air Force bombing practice ; and

Whereas, use of the this land area will adversely impact the environment of the Mc Gregor Range; and

Whereas, use of this land area will adversely impact public land permittees and lessees who depend on these lands for grazing; and

Whereas, use of this land area for bombing practice will adversely impact recreational use of the land area; and

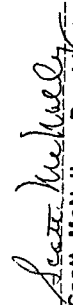
Whereas, the conversion of this land to bombing practice will adversely impact the economy of Otero County, the surrounding region and State of New Mexico.

Therefore be it Resolved the membership of the New Mexico Wool Growers oppose the use of the West Otero Mesa of the Mc Gregor Range for bombing practice by the German Air Force.

Be it further Resolved the membership of the New Mexico Wool Growers oppose the use of American facilities and lands for the training of foreign troops.

Done this 11th day of July, 1997 at the 1997 annual convention.

Signed:


Scott McNalley, President

A PETITION TO THE U.S. CONGRESS
TO CONGRESSMAN HONORABLE JOE SKEEN

WE THE PEOPLE ARE PETITIONING FOR LEGISLATION THAT WILL RESTRICT ALL AIRCRAFT TO ABOVE 1,000 FEET AGL (ABOVE GROUND LEVEL) OVER ALL PRIVATE AND PUBLIC PROPERTY, EXCLUDING APPROACHES TO AIRPORTS; INFLIGHT AND MEDI-VAC AIRCRAFT EMERGENCIES; AND PRESENT MILITARY RESTRICTED AIRSPACE. MILITARY RANGES ARE NOT TO BE EXPANDED WITHOUT LOCAL COMMUNITY APPROVAL.

PILOTS VIOLATING THIS LEGISLATION SHALL BE ACCOUNTABLE TO CIVIL AUTHORITY.

ALL AIRCRAFT FLYING IN THE ABOVE MENTIONED AIRSPACE SHALL BE CLEARLY MARKED UNDER THE WING AND BOTH SIDES OF THE AIRCRAFT, AS TO COUNTRY OF ORIGIN, BRANCH OF SERVICE AND CLEARLY NUMBERED.

NAME STREET/PO-BOX CITY STATE ZIP CODE

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

No Trespass

Notice of Foreign Law, on Private Land; Read before entering:

You are hereby noticed that entering This land or airspace (a.g.l. 1500 ft.) subjects You to This contract:

This land and airspace (hereinafter is referred to as simply This land) is private, and is not subject to public use or control. The Owner has the character *suae potestate esse*. Over This land flies the American Banner of Peace, and the Law thereon is the Holy Scriptures, and the Christian *lex non scripta*. The Owner has enacted other various ordinances, to which all who enter This land are subject. Among these ordinances is a

Five thousand dollar Land use fee,

charged per man or woman, per day or any part of a day, for any man or woman (hereinafter, "Lessee") entering upon This land without prior written license in his possession at all times while upon This land. Acceptance of all ordinances shall be evidenced by the presence of any man or woman upon This land, not in possession of said license, and shall create a constructive lease agreement, binding Lessee to the terms of all ordinances which the Owner has laid upon This land. Said fee shall be deemed due and payable in full within thirty days from first notice, and payment shall be made in silver coin, at full face value. Lessee hereby agrees that if payment of said fee becomes delinquent, that said amount shall become a lien upon all of Lessee's non-exempt property. Any property brought onto This land by Lessee is subject to impound until settlement is made in full. Other ordinances are in effect upon This land, to which all who enter are subject, unless exempted by license. A complete list of ordinances may be obtained from the Owner. Ignorance of the Law shall not be an excuse, nor shall it relieve any person from liability therefor. Notice is hereby given that any license, lease, or right of usage may be revoked with five minutes notice. Revocations shall not relieve anyone from liabilities already incurred. Verbal invites given five minutes grace as to fee only.

Notice to agents of government:

By entering this Land you accept all of the above stated terms in full. Additionally, you affirm both individually, and in your official capacity, under penalty of perjury, under the laws of these united States of America (Title 28 U.S.C. Sec. 1746), that you will support the Constitution of these united States of America and the Constitution for This republic, and all the laws promulgated thereunder in conformance with the above named Constitutions and will extend and protect the unalienable rights secured therein to the Owner, and those under His protection, and will faithfully perform all the duties of your office as it relates to Them, in compliance with the above Constitutions to which you acknowledge that you have already taken an Oath to perform said acts or actions to the best of your ability. Violations of the rights of the Owner, or those under His protection, shall be assessed a civil penalty of one million dollars in silver coin for each violation. Damages may also be prosecuted under Title 18 U.S.C. 1621 and Sec. 241 and Title 42 U.S.C. Sections 1986, 1985, and 1983, resulting in up to ten years in prison, and additional civil penalties.

The Owner may be contacted by sending correspondence to the following location:

P.O. Box 746
CARRIZO, New Mexico 88301

CONSTRUCTIVE NOTICE

I, _____ (hereinafter Plaintiff), being first duly sworn according to law, having first hand knowledge of the facts herein, and being competent to testify, do affirm that the facts herein are stated by the Plaintiff, and are true, correct, and complete, stated under penalties of perjury pursuant to the laws of the United States of America.

Know all men by these presents, _____ brings this Notice for the people of these United States of America, under the American flag of peace, without an attorney, ex. rel. now defines and states:

Ex. rel.: for the people of the united states defined: "...But it is the manner of enforcement which gives Title 42 U.S.C. 1983 its unique importance, for the enforcement is placed in the hands of the people." Each citizen, "acts as a private attorney general who takes on the mantle of the sovereign, guarding for all of us the individual liberties enunciated in the Constitution." Section 1983 represents a balancing feature in our governmental structure whereby individual citizens are encouraged to police those who are charged with policing us all. Thus, it is of special importance that suits brought under this statute be resolved by a determination of truth." Wood v. Breiter, 54 F.R.D. 7, (1972)

1) You have sworn an oath of office to support and defend the Constitution and the laws of this State and these United States, and having taken such oath before a competent tribunal, officer, or person authorized to administer such oaths, any breach thereof may constitute a liability to you in both your individual and official capacity of which you may by a breach, waive any immunities to suit therefrom.

2) A breach may constitute a false swearing to your oath and is a violation of the Constitution of these United States and of Article XX, Section 1 of the Constitution of the State of New Mexico and constitutes perjury. This perjury is a violation of Title 18 USC section 1621, and may possibly be considered a conspiracy under Title 18 USC sections 242, for the deprivations of those rights as secured to this Citizen under the Constitution of these United States of America.

3) Title 42 USCA sec 1986 "Action for neglect to prevent". Every person who having knowledge that any of the wrongs conspired to be done, and mentioned in Title 42 USCA sec. 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or persons legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented, and such damages may be recovered in an action on case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in an action. (42 USCA sec 1986 is derivative of sec 1985 and provides remedy for persons injured by neglect or refusal of those having power to do so to prevent wrongs specified in sec 1985).

4) Title 42 USCA sec 1985 "Conspiracy to interfere with civil rights" (1) ... (2) ... or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws; (3) Depriving persons of rights or privileges. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person (or class of persons) of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; ... whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

5) Title 42 USCA sec 1983 "Deprivation of Rights". Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory of the District of Columbia, subjects, or causes to be subjected, any citizen of the United States, or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress.

6) You are hereby notified pursuant to Title 42 USCA section 1986, for knowledge, of the law, as to your high standards of the law, and as witness, that any "Neglect" to prevent constitutional wrongs from injuring this Citizen, that if such neglect proximately causes damage it will give rise to an action in "tort", further, be advised by acting in concert with others, this may be construed as conspiracy under Title 42 USCA sec 1985.

7) FRAUD: An intentional perversion of Truth, for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right; a false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. A generic term, embracing all multifarious means which human ingenuity can devise, and which are resorted to by one individual to get advantage over another by false suggestions or by suppression of truth, and includes all surprise, trick, cunning, dissembling, and any unfair way by which another is cheated. "Bad Faith" and "Fraud" are synonymous ...

8) Title 18 USCA sec 872: Extortion by officers or employees of the United States. Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined under this title or imprisoned not more than 3 years, or both; ...

9) Air Rights: The right to use all or a portion of the air space above real estate. Such right is vested by grant, e.g. fee simple, lease, or other conveyance. While commercial airlines have a right to fly over ones land, if such "flight paths" interfere with the owners use of such land, the owner is entitled to recover the extent of actual damage suffered by him. United States v. Cauby, 328 U.S. 256, 66 S. Ct 1062, 90 L.Ed. 1206. B.L.D. 6th Ed

10) Posting. In connection with trespass statutes. The act of placing or affixing signs on private property in a manner to give notice of the trespass. BLD 6th Ed

11) Trespass. An unlawful interference with one's person, property, or rights.... Any unauthorized intrusion or invasion of private premises or land of another;... Criminal trespass is entering or remaining upon or in any land, ... by one who knows he is not authorized or privileged to do so; ... Intrusions upon, beneath, and above surface of land. (1) Except as suited in subsection (2), a trespass may be committed on, beneath, or above the surface of the earth. (2) Flight by aircraft in the air space above the land of another is trespass if, but only if, (a) it enters into the immediate reaches of the air space next to the land, and (b) it interferes substantially with the other's use and enjoyment of his land.... Trespass with force and arms. The common-law action for damages for any injury committed by the defendant with direct and immediate force or violence against the plaintiff or his property.... Liability for intentional intrusions of land. One is subject to liability to another for trespass, irrespective of whether he thereby causes harm to any legally protected interest of the other, if he intentionally (a) enters land in the possession of the other, or causes a thing or a third person to do so, or (b) ... (c) ... BLD 6th Ed

Any person or persons having knowledge of these facts and who has fiduciary duty to act in a reasonable manner to either prevent or correct the wrongs taking place or having the power to prevent or aid to prevent the commission of the same, shall be liable to this Plaintiff or his legal representatives for any and all damages caused or incurred by such wrongful acts, actions, inaction, or omission, which such

person could have by reasonable diligence prevented, may be joined pursuant to Title 42 USCA sections 1986, 1985, and 1983 in any action taken as a result of these wrongs.

Any Complaint for damages will be filed under the American Flag of Peace of the United States of America. No jurisdiction under any American flag of war will be accepted.

Hereinafter: U.S.C.A. = United States Code Annotated
N.M.S.C. = New Mexico State Constitution
BLD 6th Ed = Black's Law Dictionary
Disguise = Without Oath by perjury without protection
Citizen = Man, not as an Official

Respectfully Submitted for Notification,

Before me, a Notary Public, appeared _____ and did affirm and
subscribe hereto on this _____ day of _____, 1997.

My commission expires,

Notary

CERTIFICATE OF SERVICE

A true and correct copy of this CONSTRUCTIVE NOTICE was served personally or by Certified U.S. Mail to the following:

Lt Col. D. Hargarten
Holloman AFB, NM

Ms. Sheryl Parker
Headquarters Air Combat Command/CEVA
129 Andrews Street
Langley AFB, VA 23665-2769

Notice to the Agent is Notice to the Principle.

SECTION 6.0

**ALAMOGORDO, NEW MEXICO
PUBLIC HEARING TRANSCRIPT**

JULY 12, 1997

1 STATE OF NEW MEXICO

COUNTY OF OTERO

5 IN THE MATTER OF THE PUBLIC HEARING)
6 ON DRAFT EIS FOR THE PROPOSED)
7 EXPANSION OF GERMAN AIR FORCE)
8 OPERATIONS AT HOLLOMAN AIR FORCE BASE,)
9 NEW MEXICO)

TRANSCRIPT OF PROCEEDINGS

JULY 12, 1997

18 BE IT REMEMBERED that on July 12, 1997, at 9:00 AM at
19 the Ditzler Auditorium, 1900 North White Sands Boulevard,
20 Alamogordo, New Mexico, a public meeting was held before the
21 HONORABLE JUDGE JAMES HEUPEL and the following transcript was
22 prepared by DAMA WIMBERLY, a Court Reporter and Notary Public
23 within and for the State of New Mexico.

COPY

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1213 New York Avenue

Alamogordo, New Mexico

(505) 434-1822

1 EIS. This part of the process enabled the Air Force to learn
 2 about any issues involving the expansion of the German-Air Force
 3 at Holloman that were not previously identified. The relevant
 4 comments gathered during scoping are included in the environmental
 5 analysis. This analysis is contained in the draft EIS, the
 6 contents of which are the subject of this morning's meeting. Now
 7 the draft EIS has been distributed for public review and comment.
 8 If you haven't seen it, this is a copy of the draft environmental
 9 impact statement that I'm holding up.

10 Now, based upon input received during the 45-day comment
 11 period, additional analyses will be evaluated and/or performed and
 12 changes will be made to the Environmental Impact Statement as
 13 necessary. So if you have not already had an opportunity to read
 14 the draft EIS before this morning's meeting, you are encouraged to
 15 do so as soon as possible. Now, there are a set of fact sheets
 16 back in the back, they are these blue sheets that I'm holding up,
 17 seven of them, 14 pages in all, that do go through and give a
 18 summary of the proposal and some environmental impacts. It also
 19 has a listing of libraries where copies of the draft Environmental
 20 Impact Statement has been sent.

21 In addition the Air Force Representatives that are here
 22 with me this morning will be addressing the proposal and the
 23 potential impacts.

24 There are two things that we want to do with this
 25 hearing this morning. The first is we want to give you

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1 information about the analyses of the potential impacts to the
 2 environment resulting from the Air Force's proposal and the
 3 second, and most important part is to receive your comments about
 4 the draft Environmental Impact Statement. It's through your
 5 comments and questions that you may raise as to whether certain
 6 things within a draft that the Air Force can take a look at and do
 7 an analysis of what it has done in the draft EIS and see how it
 8 can be improved and then that will all go to the decision maker.

9 Now, the comment period that I mentioned earlier runs
 10 from the 20th of June until the 4th of August of this year. So
 11 any comments received during that time period will be responded to
 12 by the Air Force in the final EIS. This morning's hearing is the
 13 last of six hearings that have been held in various communities in
 14 New Mexico and in Texas.

15 When I'm mentioning the final environmental impact
 16 statement, let me also indicate to you, the cards that you were
 17 asked to fill out if you wanted to speak or not, there is a block
 18 at the bottom, that you can check if you'd like to receive a copy
 19 of that final environmental impact statement. So if you didn't
 20 check and decide you'd like to get a copy of it, we'll be taking a
 21 break later, after the Air Force Personnel have addressed the
 22 proposals, and you can go back, get your card and check that.
 23 Also, I'll be calling on speakers for public comment from these
 24 cards, and again, I know some of you said, well, I'm not sure if I
 25 want to make a comment and as I indicated, there'll be a break and

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1 if you decide at that point that yes, you'd like to make some
 2 comment, you can go back to the registration table and have them
 3 get your card, and check that you want to make a comment, they'll
 4 give the card to me. I've got quite a number of cards already.

5 But the whole purpose of this hearing is to receive your
 6 comments.

7 Before introducing the other members of the panel, I'd
 8 like to explain my role in the hearing. I'm a chief trial judge
 9 for the Air Force and I primarily preside over criminal cases, so
 10 I'm not here as an expert on this draft environmental impact
 11 statement, I've not been involved in its development. I'm here to
 12 ensure that you have a fair and orderly hearing and everybody who
 13 wants to speak has an opportunity to speak. As a sideline, I've
 14 gotten some questions at some of the other meetings, well, why is
 15 the Judge conducting this meeting. Well, the answer is since
 16 about the mid 1970's, we've had judges conduct all of the Air
 17 Force environmental impact statements, the formal hearings like
 18 this, so it's not something peculiar to this area, I was doing
 19 hearings in Las Cruces on Air Force laser program back in
 20 December. That's why a judge is doing it, and since my assignment
 21 does it, I particularly, since I moved to Texas, wanted to come
 22 here to New Mexico and Texas to see the country, rather than
 23 Washington, D.C. So that's why I'm here, there's no particular
 24 reason, otherwise.

25 The other members of the panel. To my immediate right is

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1 Mr. Bob Johnson, he is from the Holloman Air Force Base
 2 Environmental Office. To his right is Ms. Sheryl Parker who is
 3 from Air Combat Command Headquarters; Langley Air Force Base,
 4 Virginia. She's in the environmental office there. And to her
 5 right is Colonel Don Hargarten who is the assistant deputy
 6 commander for the 49th Operations Group at Holloman Air Force
 7 Base.

8 The schedule this morning will be Mr. Johnson will spend
 9 a few minutes providing a short summary on the environmental
 10 process and what you can do to provide input on what goes into the
 11 final EIS. Then Colonel Hargarten will present information on the
 12 proposal and the three options the Air Force is looking at in
 13 order to facilitate increased German operations at Holloman. And
 14 then finally Ms. Parker will review the analysis of potential
 15 impacts to the environment from the proposed action and training
 16 operation locations.

17 After that, I will entertain clarifying questions over
 18 matters that they present. If there's something that you didn't
 19 quite understand or a term that was used that you didn't
 20 understand to clarify what they presented here, I'll entertain
 21 questions on that. We won't go into questions such as noise
 22 problems right now or low level flights right now. We've heard a
 23 number of those issues and questions raised at other meetings.
 24 And I welcome you to speak to that during the comment period, but
 25 the clarifying questions go to the matters that they present here.

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1 Then we'll take a break for ten minutes or so and then
2 we'll go into the public comment period. With the number of
3 comments that people have indicated already that they're going to
4 be having comments, we'll have a time limit of five minutes. At
5 the end of five minutes, I'll raise my hand and ask people to
6 finish up. You don't have to stop right then, but go ahead and
7 finish up the point you're on.

8 Before I go into the presentation by Mr. Johnson, I
9 would point out that Mayor Carroll is here from the City of
10 Alamogordo. I'd like to recognize him. I particularly want to do
11 so because he's the first mayor from any of the cities that we've
12 had at any of the hearings, at least that I'm aware of, so I do
13 note that. I will also be calling on any elected public officials
14 that are speaking on behalf of their constituency, to speak first,
15 then I'll call on members of the public through the comment period
16 in random order.

17 Mr. Johnson.

18 MR. JOHNSON: Good morning; my name is Bob Johnson and I
19 work in the Environmental Flight at Holloman Air Force Base. And
20 during the next few minutes, I will provide you with some general
21 information about the Act which serves as the basis for these
22 hearings, what we intend to accomplish, what's involved in the
23 process and what your role is in this process and also go over the
24 schedule as it relates to the proposed action that we're
25 evaluating.

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1 NEPA which was enacted in 1969, requires that before we,
2 a federal agency, do something, we must analyze and document the
3 environmental impact of that something before we proceed with the
4 proposed action.

5 The NEPA document should provide a clear, unbiased
6 discussion of any potential environmental impacts relevant to the
7 proposed action and the alternatives. This analysis is intended
8 to serve as a "clear basis for choice" and should avoid lengthy
9 discussions of issues not relevant to the proposed action.

10 This leads me to a key statement in the NEPA
11 regulations. It is found in the "Purpose" section and I would
12 like to quote it. "Ultimately of course, it is not better
13 documents but better decisions that count. NEPA's purpose is not
14 to generate paperwork, even excellent paperwork, but to foster
15 excellent action."

16 Everything the Air Force has done up until now, and will
17 do with this document, and everything we do here today, points
18 toward the day when the decision maker signs the Record of
19 Decision. Our responsibility as employees of a federal agency is
20 to ensure a full and objective environmental impact analysis be
21 performed for all components of this proposed action.

22 Is the EIS the only factor the decision maker takes into
23 consideration? No. He or she must also take into consideration
24 technical design issues as well as the monetary costs. Other
25 factors that could be taken into consideration include values of

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1 the local public as well as input from elected officials.

2 Now, once the decision is made, is the Air Force
3 committed to implement the selected action? No. The final action
4 in the NEPA PROCESS is the Record of Decision. And it is just
5 that - a decision. If the decision is made to beddown the 30
6 additional aircraft and build the needed facility, other
7 constraints may cancel the proposal. The Air Force would not be
8 legally obligated under NEPA to implement the selected action.

9 In other words, to use a phrase our team has heard a lot
10 during this and other related Air Force proposals, this is not a
11 "done deal." It is far from it and possibly my never become a
12 "done deal". The only decision made thus far has been to proceed
13 with the environmental impact analysis. The decision of whether
14 or not to do the "something" and how to do it won't be made until
15 the analysis is complete, hopefully this December.

16 I said I would tell you how you can be involved in the
17 process. The judge earlier told you what specific methods can be
18 used to provide your comments. The primary thing you can do is
19 ensure your comment is relevant to the issues at hand. We are
20 here to receive comments on the Draft Environmental Impact
21 Statement. We are looking for feedback on environmental issues
22 you might feel were not adequately addressed or not addressed at
23 all. For instance you might be a member of the Audubon Society
24 and are aware of an endangered species in the region of impact
25 that we failed to address. Or maybe one portion of a discussion

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1 in the document was confusing to you and you want to offer some
2 suggestions on how we can make the explanation clearer. These
3 types of comments are helpful to us and will be taken into
4 consideration as we continue our analysis.

5 We won't, however, enter into a debate with anyone about
6 the Air Force's policy on training or issues related to NATO
7 alliances. If you have questions along these lines, I would refer
8 you to the draft EIS, Chapters One and Two and our fact sheets,
9 these provide the Air Force's reasons for what we're proposing,
10 while fully realizing that not everyone will be in agreement with
11 us. Again, our focus here today is the potential environmental
12 impact of what we're proposing to do.

13 We don't have to have all inputs today. If you think of
14 something tomorrow or the next day, submit your comments in
15 writing. The comment period will be open until August 4. The
16 mailing addresses are on the fact sheets you might have picked up
17 and on the comment cards.

18 (SLIDE 5 PUT ON SCREEN). So where are we at in the NEPA
19 process? Like all proposed actions evaluated under NEPA, there is
20 a schedule, or "time line" we are doing our best to adhere to.

21 On this slide you will see all the key actions required
22 by NEPA: Of course we're in the comment period right now. June 20
23 was the beginning of the public comment period and it runs to
24 August 4th. Immediately after that, we'll begin incorporating any
25 inputs we've received from the public hearings and continue with

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1 our environmental analysis. November 4th is the projected date to
2 have our Final EIS published and then hopefully in December we'll
3 have the Record of Decision signed.

4 I hope that the information I've just provided gives you
5 a better understanding of what NEPA requires, why we are holding
6 these meetings and what we are trying to accomplish. Again, our
7 goal is to ensure the decision maker makes an excellent decision
8 which will lead to excellent action, one that allows the Air Force
9 to accomplish its mission while also protecting the human
10 environment. They go hand in hand.

11 This concludes my portion of our presentation.

12 JUDGE HEUFEL: Colonel Hargarten will now address the
13 proposal.

14 COLONEL HARGARTEN: Thank you, Judge. I'm glad to be
15 here today to provide an overview on this proposal --

16 INTERRUPTION FROM THE FLOOR: I have a big point in this
17 country. I was in the Pacific and I shot down the first Japanese
18 bomber in the first few hours of the battle, August 7th, 1942.

19 JUDGE HEUFEL: We'll be glad to take your comments during
20 the comment period.

21 (Gentleman mumbling and going to his seat.)

22 JUDGE HEUFEL: Go ahead, Colonel.

23 COLONEL HARGARTEN: Thank you, Judge, I'm glad to be here
24 this morning to provide an overview on this proposal to expand
25 German Air Force operations at Holloman. Before I get into the

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1 specifics of what the Air Force is proposing to do, I'd like to
2 provide a little background on our relationship with Germany since
3 World War II and our nation's current military strategy.

4 Since the 1950's Germany has demonstrated a commitment
5 to its NATO role. German aircrews have been training in the U.S.
6 in fighter aircraft since 1957. They have trained in F-84's, F-
7 104's F-4's and Tornados. Since 1992, the U.S. has provided
8 German aircrew training in F-4's at Holloman Air Force Base. I
9 was commander of that squadron for two years, and the German/U.S.
10 partnership was clear to see as we hosted German Air Force pilots
11 to help ensure our allied aircrews are trained to the same high
12 standards as U.S. pilots. This partnership has been especially
13 useful since the end of the Cold War, as multinational allied
14 actions became an even more important means of protecting our
15 nation's security and promoting stability around the world, as the
16 Soviet superpower and the Communist bloc in Europe fell and as the
17 U.S. began to withdraw its forces from Europe.

18 All these factors have made readiness and training more
19 important than ever before because of a changing international
20 environment, a greater diversity of risks and threats and
21 reductions in U. S. Military budgets. This policy is reflected
22 in the current National Military Strategy, which emphasizes
23 international training and military exchanges.

24 (SLIDE 7 shown on screen) For this approach to our
25 defense to succeed and for U.S. and allied forces to be safe, we

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1 must provide both U.S. and allied aircrews with the highest
 2 caliber training. Combat readiness requires constant training,
 3 and that is another reason behind this proposal. The U.S. and its
 4 allies must train the way they intend to fight. Responding to the
 5 government's new military strategy and increased risk, demands a
 6 high degree of proficiency.

7 Increasingly sophisticated weapons require equally
 8 sophisticated training. There are three main components in
 9 today's aircrew training: low-altitude training, air-to-air
 10 training and air-to-ground training. Proficiency in all three is
 11 vital. We want to ensure that people fighting along side us are
 12 just as combat ready as we are. Holloman is well suited for
 13 further growth in the German Air Force training mission. In
 14 addition to having the infrastructure to support the 12 Tornados
 15 already at Holloman, the base offers available land, airspace
 16 areas, support facilities, local community support, and the
 17 benefit of being located near the German Air Force command
 18 headquarters at Fort Bliss, near El Paso, Texas. These features
 19 contributed to the successful relocation of the 12 Tornado
 20 aircraft and 300 support personnel at Holloman in 1996. Our
 21 proposal helps ensure continued combat readiness because it
 22 provides realistic training opportunities.

23 (SLIDE 8) But another integral part of our mission is
 24 serving as a good neighbor and a good steward of the environment.
 25 That makes it important to us that you assist in the decision-

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1 making process for this proposal and at any time you're concerned
 2 about our operations or activities. Our Public Affairs phone
 3 number is 505-475-5406. Community input has already led us to
 4 define avoidance areas or to raise minimum flying altitudes over
 5 and distance from, specific areas. We also work with the Federal
 6 Aviation Administration to reduce potential impacts to civilian
 7 aviation by providing advance notice when we're using many
 8 airspace areas.

9 In our role as caretakers of the environment, we believe
 10 environmental stewardship is important and can be accomplished
 11 hand in hand with the military mission. We manage our
 12 installations to sustain diverse environments and monitor the
 13 condition of natural resources, including air and water quality
 14 and land condition, to ensure little or no degradation. We work
 15 closely with agencies such as the Bureau of Land Management, the
 16 U.S. Forest Service, and the U.S. Fish and Wildlife Service to
 17 protect and enhance resources and minimize impacts to sensitive
 18 areas.

19 (SLIDE 9) Now, I'll outline the main components of the
 20 proposal to expand the German Air Force's presence and establish a
 21 German Air Force Replacement Training Unit at Holloman. The
 22 Replacement Training Unit would function as a school for German
 23 Air Force Tornado aircrews. First, the proposal includes facility
 24 construction and relocating an additional 640 personnel to support
 25 training of German aircrews in the 30 additional Tornados.

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1 Second, it includes aircraft training in airspace throughout the
 2 region. And third, in order to meet the needs of the Tornado
 3 aircrews, three training options are considered within the
 4 proposed action: construction and operation of a new air-to-ground
 5 tactical target complex at one of two locations on McGregor Range
 6 or use of existing military ranges at White Sands and Melrose
 7 Range near Clovis, New Mexico, to accommodate training
 8 requirements.

9 The beddown of 30 additional Tornado aircraft would
 10 require construction of administrative and academic buildings,
 11 headquarters and operations buildings, a flight simulator, supply
 12 and maintenance facilities and hangers and dormitories on Holloman
 13 Air Force Base. Construction would total over \$100 million. All
 14 the construction and relocation expenses directly related to the
 15 Germans, would be paid for by the German Air Force.

16 A variety of airspace is needed to support the German
 17 Air Force mission. Airspace needs include military training
 18 routes for low-altitude maneuvers, military operations areas, or
 19 large areas of airspace where military aircraft practice air-
 20 intercept training and areas restricted to military use. The
 21 proposed action would result in an addition of approximately 2,800
 22 sorties on military training routes, 3,200 additional air-to-air
 23 or dogfight sorties in military operations areas or restricted
 24 areas and 2,600 air-to-ground range sorties per year. Aerial
 25 refueling operations would also be performed. These sortie

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1 numbers are not cumulative. By that I mean you simply cannot add
 2 up all of those numbers and arrive at a total number of sorties
 3 that would be flown by additional aircraft. A single sortie may
 4 include use of a low level training route, then performing in-
 5 flight refueling. Then use of a military operations area for air-
 6 to-air training and finally delivery of training ordnance on an
 7 air-to-ground training range.

8 Currently, the majority of tactical air-to-ground
 9 training is conducted in White Sands Missile Range. According to
 10 national policy, White Sands' mission of research, development,
 11 test and evaluation has priority over Holloman's training mission.
 12 As a result, it is presently difficult to get adequate time to
 13 train in White Sands airspace. Adding 30 more aircraft at
 14 Holloman would only increase the problem. In addition, terrain
 15 features of the Red Rio and Oscura target complexes preclude their
 16 use for training in certain types of munitions deliveries.

17 (SLIDE 10) We are looking at three options to meet the
 18 air-to-ground training requirements of the Tornado aircrews. Two
 19 of the options involve construction of a new target complex for
 20 air-to-ground training on McGregor Range which is controlled by
 21 the Army's Fort Bliss. One option is a location on western Otero
 22 Mesa, and the second option for the new target complex is a
 23 location in the Tularosa Basin portion of the range. If a new
 24 target complex were to be built, it would be comprised of a
 25 2-by-4 mile impact area within a 12-by-15-mile safety area.

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1 Construction activities would be primarily confined to the
 2 2-by-4-mile impact area. No live ordnance would be used on the
 3 new target complex.

4 Although not operationally desirable the third option is
 5 to use only existing ranges in New Mexico to support the
 6 additional aircraft. These would include Red Rio and Oscura on
 7 White Sands Missile Range west of Carrizozo, New Mexico, and
 8 Melrose Range near Clovis, New Mexico.

9 These training options differ only with respect to
 10 utilization of airspace and ranges. Aircraft would access either
 11 of the new target complex options or the existing ranges using
 12 military training routes.

13 (MAP VIEWGRAPHS) What I'd like to do now is go over
 14 formats and orient you on the maps to some of the ranges and low-
 15 levels I've been referring to. To orient you on this map,
 16 Holloman Air Force Base and Alamogordo sits at the tip of my
 17 pencil. Just to the west outlined in blue is White Sands Missile
 18 Range. To the southeast is McGregor Range here. The area in blue
 19 is the Pecos, our military operations area. In green is Beak Moa
 20 and yellow is the Talon Moa.

21 The 3,200 sorties I referred to in my script for the
 22 German Air Force training, would be shown in these two restricted
 23 areas, White Sands Missile Range, McGregor, the yellow area and
 24 the green area and a few sorties in the blue area.

25 Next slide, please. Very busy slide. To orient you, the

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1 green circle in the middle is Holloman Air Force Base. Again, in
 2 the pink there to the west, we see White Sands Missile Range.

3 What this slide shows is that the 2,800 sorties I referred to that
 4 the additional Tornados would fly in our local MTR's or military
 5 training routes. This slide shows all of the low-level and the
 6 local flying areas. There's a few low levels on the map that we
 7 will not use.

8 One is IR 178 which is this green line here, we won't be
 9 using that. And the IR 196.

10 Next slide, please. This slide shows our local area
 11 downranges and under the existing option the ranges that are
 12 titled in red would be used as a new target complex would not be
 13 built. To orient you again, we have Holloman Air Force Base in
 14 the middle. This is 100 knots or mile circle around it, just to
 15 orient you on the relationship between the different ranges.

16 Going over the ranges, setting up 45 nautical miles north of
 17 Holloman Air Force Base is Red Rio range. Red Rio is a tactical
 18 range, by that, I mean it has a simulated air field on it, it has
 19 a convoy, industrial complex service to air missile site,
 20 antiaircraft artillery sites on the range that we use to practice
 21 attacking. It is not a manned range and it is not scored. It
 22 does have a single live drop target on it, that the aircraft that
 23 Holloman uses for live training.

24 Just to the south of it is Oscura Range, which is
 25 located about 35 nautical miles north of Holloman, it is a

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1 conventional bombing range. It has two conventional targets on it
 2 which have concentric circles around it that the fighter pilots
 3 use for their basic, fundamental bombing training. It also has a
 4 few tactical targets. It is a scored range, the aircraft can be
 5 scored on where the bombs landed and it has a strafe target and it
 6 is a manned range.

7 Just to the south southwest is the black target on
 8 McGregor Range. A lot of people don't realize that there is a
 9 single target on the regular range right now. It is a single
 10 target that is not scored and has concentric circles around it,
 11 for practicing bombing fundamentals.

12 145 nautical miles to the northeast at the tip of the
 13 pencil is Melrose Range near Cannon Air Force Base. It is both a
 14 tactical range and a conventional bombing range. Although we
 15 don't use it for bombing, it does say range and we'll talk about
 16 it for a second. Dona Ana Range is used by the Army, they do live
 17 artillery firing there.

18 Next slide, please. This slide shows McGregor Range; to
 19 orient you on the map, Orogrande sits over to the west, this is
 20 506 that goes through to the communities of Pinon and comes around
 21 to get up to Timberson, on that county road. Just to the north of
 22 506, there is a power line that goes to the range. These two
 23 rectangles are the two optional proposed bombing range locations
 24 on McGregor Range. One, we referred to as the West Otero Mesa
 25 location which is this one here, and the other one is referred to

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1 as the Tularosa Basin location. If you've been reading in the
 2 media over the last two years, you often hear discussions about on
 3 the mesa versus off the mesa. What they're referring to is an
 4 escarpment, if you follow the pencil tip here that goes along the
 5 green line, there's an escarpment on the range. There's a several
 6 hundred foot vertical change in elevation. So what they're
 7 referring to is to the west of that escarpment is on the mesa and
 8 off the mesa is to the east -- it's the opposite, to the east is
 9 on the mesa and west is on the basin.

10 Also shown in the slide is this light red line. It's
 11 rather difficult to see but there's a light red line here and
 12 that's the safety fan I referred to in my talk that goes out
 13 27,000 feet from the 2-by-4-mile area. Access to the 2-by-4-mile
 14 area would have to be controlled 24 hours a day, seven days a week
 15 and that's approximately a little over 5,000 acres, for safety
 16 reasons.

17 If the range was built, the fence we would put around it
 18 would be approved by BLM so that the animals up there on the mesa
 19 could go in there and graze. We'd just have to control access by
 20 the public. That safety fan I talked about, would have to be
 21 controlled for the public when the range was in use but when the
 22 range is not in use on the weekends or it could be used for
 23 hunting, ranchers could check on their cattle. And if we started
 24 bombing in the morning, 8:30 or 9:00, ranchers would be able to go
 25 inside that pen and check on their cattle, they just wouldn't be

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1 able to go inside the 2-by-4-mile area.

2 If, under both of these two options here on the mesa,
3 West Otero Mesa location and the Tularosa Basin location, neither
4 one of them require the movement of 506, nor would we move the
5 power line north of 506.

6 This solid blue/black line coming out of the foothills
7 here and into the range is a pipeline that comes out of the
8 foothills, it's used to bring water down to some water troughs or
9 stock tanks that are on the range. If this location is chosen,
10 and we'll talk about it shortly, this pipeline portion would be
11 inside the 2-by-4-mile area and would have to be moved and the Air
12 Force would pay for that.

13 These light green lines that are scattered around here,
14 these are boundary lines of different grazing units. There is no
15 grazing here in the Tularosa Basin but on Otero Mesa there is
16 grazing going on, and you can see that this option lists exactly
17 the different grazing units, Grazing Units 9 and 13. This area in
18 green up here is the proposed Hope Canyon east ridge areas and the
19 areas in yellow are grassland areas.

20 The air space that would be used could include modified
21 military training routes and restructured airspace in southern New
22 Mexico and west Texas that were contained in a separate proposal
23 by the Air Force and addressed in a Final Environmental
24 Assessment, or EA entitled Proposed Airspace Modification to
25 support units at Holloman Air Force Base, New Mexico. That

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1 action also involves establishment of an air refueling route.
2 This EA has been approved by the Air Force and is undergoing
3 review by the FAA.

4 If this air space modification is not implemented,
5 existing air space would be used to support the increased Tornado
6 aircraft. These differences in air space availability and
7 utilization are taken into account in the analyses of impact in
8 that EIS that we are discussing today, Mrs. Parker will discuss
9 these impacts shortly.

10 In addition to the proposed action and its three
11 training options, the EIS includes the no-action alternative which
12 analyses the environment without the additional aircraft and air
13 crew relocation, target complex construction or change in air
14 space utilization. This alternative does, however, include some
15 other actions that have already been adopted, such as the change
16 from F-111 to F-16 aircraft at Cannon Air Force Base.

17 The proposal to expand German Air Force operations at
18 Holloman is important to our country because it advances our
19 efforts to keep our nation and its vital interests safe through a
20 strong and well-trained allied team, despite the fact that U.S.
21 Military Forces are much smaller today. Keeping this team ready
22 requires constant, realistic training now, more than ever before.
23 Central to this proposal and our ongoing mission is our
24 responsibility to serve as good neighbors and stewards of the
25 environment.

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Thank you for your attention; I appreciate the

opportunity to make this presentation to you this morning.

THE JUDGE: Now, Ms. Parker will discuss potential impact from the Air Force proposal and options.

MS. PARKER: Thank you, Col. Heupel. This draft

Environmental Impact Statement describes the environmental impacts that are associated with implementation of the proposed action which is to relocate 30 more German aircraft, associated personnel and support facilities to Holloman and the three training options that are part of the proposed action.

As Colonel Hargarten mentioned, there are three main components of our proposal: (1) construction at Holloman to support the additional aircraft, personnel and programmatic needs; (2) training in airspace throughout the region; and (3) three training options to meet these air-to-ground training requirements.

We looked at three options to satisfy the need for increased air-to-ground training: two of these options involve new construction on McGregor Range, and the third option would increase use of existing ranges. We also looked at the use of airspace in the region. The Air Force has requested that the Federal Aviation Administration approve modifications to military training routes in New Mexico and southwest Texas and the Talon military operations area in New Mexico.

The draft EIS examines the environmental effects of the

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proposed action both with and without this modified airspace.

Also, as mentioned earlier, we examined the no-action alternative, which considers not implementing the proposal and thus results in no change or impact to any of the environmental analysis categories.

I'll discuss the overall impacts to the environment associated with implementing the proposed action, impacts to airspace use and management, environmental impacts of construction of the two new target complex options, as well as the option of using existing ranges. The existing ranges that would be used under all three training options but their use would be considerably higher under the existing range training option.

Before going into specific impacts, I want to explain how the impacts of the proposed action were compared to environmental conditions without the proposed action. First, we described existing environmental conditions in fiscal year 1995. However, there are a number of actions that have already been approved that will occur whether or not the additional 30 Tornados are brought to Holloman. For example, in 1995, the 12 Tornados that are now already at Holloman had not yet arrived. Also, a squadron of AT-38's at the base was deactivated just this year and this was not included in the conditions that prevailed in 1995. In addition, Cannon Air Force Base is in the process of changing from F-111 to F-16 aircraft, and they will use some of the same airspace that the Tornados would use.

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Therefore, to provide a baseline to compare to the proposed action, we projected the environmental conditions that could be expected to exist at the time the additional Tornados would be brought to Holloman. This projected baseline includes the ongoing actions that would occur between 1995 and the fall of 1999, or the first quarter of fiscal year 2000, when the 30 Tornados would be bed down. The draft EIS also examines the cumulative impacts from the proposed action in combination with other reasonably foreseeable Department of Defense actions affecting Holloman Air Force Base and the airspace and ranges in the region.

At any given time, there are a number of potential actions that could include changes of aircraft, changes of the mission for the aircraft at a particular base or new construction at a base, that the Air Force might be discussing or contemplating. Many never make it past the discussion stage, but some do. It is not only possible for all of them, reasonably foreseeable action, during the early discussion stage. As an example, developments of new F-22 aircraft is well under way. But the basic process is not yet out of the discussion stage.

Therefore, including discussion of the possibility of basing an operational unit of F-22's at Holloman Air Force Base is not necessary because it is not now reasonably foreseeable.

The Air Force is also discussing establishment of new electronic scoring sites for bomber aircraft. And if the decision

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were made to pursue these sites, they may be located somewhere in the mountainous west or the southwest. But the definitive criteria necessary to formulate this discussion into a proposal has not yet been developed. Therefore, its precise location is not reasonably foreseeable and analysis is not included in this EIS.

Now, to summarize the findings of the draft EIS in the thirteen environmental areas analyzed in the document. Today's briefing is an overview of the general findings in each environmental discipline. And I urge you to refer to the draft EIS itself for the detailed resource impacts.

The first resource area we examined was airspace use and management. Our analysis found that there would be minor impacts to civil aircraft traffic due to increased operations at Holloman, and none of the three training options under the proposed action would result in any significant airspace impacts.

The noise analysis examined impacts around the Holloman airfield and in the airspace and ranges that would be used. At Holloman and the surrounding area, about 41 acres are currently exposed to day-night average sound levels of 65 decibels or more. Day-night average sound level is a measurement that averages noise from multiple events, such as a jet taking off or flying overhead, over a typical 24-hour period. The measure adds an extra 10 decibels to events that take place between 10 p.m. and 7 a.m. because of an increase in sensitivity at night. By October of

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1 1999, this affected area would increase to about 42 acres due to
 2 other ongoing projects. Implementation of the proposed action
 3 would further increase this to about 47 acres, a change of about
 4 12 percent. For either the west Otero Mesa or the Tularosa Basin
 5 training option, sound levels under most affected airspace away
 6 from Holloman would remain essentially constant or increase by a
 7 few decibels. In no case would average sound levels increase by
 8 more than six decibels.

9 Under existing range training option, sound levels under
 10 affected airspace would increase negligibly at most locations, or
 11 even decrease in some instances; but there are instances, such as
 12 under the Pecos military operations area near Fort Sumner, sound
 13 levels would increase by as much as 13 decibels, from their
 14 existing levels of 45 to 46 day-night average sound level to about
 15 57 to 59 decibels. Except at the air-to-ground ranges themselves,
 16 none of the airspace areas -- military operations areas or the
 17 military training routes -- would have average noise levels above
 18 65 decibels under any of the options.

19 The actual sounds generated by an individual overflight
 20 depends on the type of aircraft, its altitude and speed and other
 21 factors. As an example, the maximum sound levels on the ground
 22 directly under a Tornado flying at 100 feet ranges from 117 to 124
 23 decibels. At 500 feet which is by regulation, the minimum
 24 distance an aircraft can be flown near a person or a structure, a
 25 Tornado would generate a maximum sound level of 102 to 108

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1 decibels. Increased operations at Holloman Air Force Base would
 2 result in increased noise over portions of White Sands National
 3 Monument.

4 Other changes in overflights in affected airspace would
 5 result in negligible changes in sound levels in most locations,
 6 with no significant effect on land use. In some areas east of
 7 McGregor Range and southwest of Artesia, particularly where
 8 airspace units overlap, there would be a noticeable increase in
 9 the number of overflights that could be annoying to residents and
 10 outdoor recreationists. Under the existing range training option,
 11 areas near places like Capitan Mountains and Sumner Lake would
 12 experience higher overflight increases that could also be annoying
 13 to recreationists. However, even with the increases, the total
 14 number of overflights would remain low with any one location
 15 unlikely to be overflown more than once a day.

16 Construction of a new target complex at McGregor Range
 17 would result in a reduction in access to portions of Otero Mesa
 18 which is south of Highway 506 by recreationists, BLM workers and
 19 ranchers. Access for livestock management, for example, would
 20 have to be scheduled around times that the complex would be in use
 21 which is estimated at this time to be about 60 hours per week.

22 Livestock grazing would be able to continue, however,
 23 even when the complex is being used. If the new target complex
 24 were constructed on west Otero Mesa, about 5,200 acres would be
 25 removed from grazing. Under the Tularosa Basin option, no land

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1 would be removed from grazing, but access to portions of Otero
 2 Mesa would still be restricted for people while the target complex
 3 is in use. Neither option would affect access along Highway 506
 4 itself.

5 Air quality would not be significantly impacted by the
 6 proposed action. There would be temporary increases in air
 7 emissions during construction of facilities at Holloman if a new
 8 target complex were built, but these emissions would not result in
 9 a significant impact to the air quality condition, including
 10 visibility conditions. Aircraft emissions would also increase,
 11 but not at levels enough to affect adherence to national ambient
 12 air quality standards.

13 Potential impacts to biological resources from
 14 implementing the proposed action would include habitat loss,
 15 habitat modification, changes in habitat use by animals, direct
 16 loss of animals and temporary disturbance from noise.

17 About 36 acres of vegetation with limited wildlife value
 18 would be disturbed at Holloman Air Force Base for construction of
 19 facilities. In addition, an existing building that is used by
 20 bats as a roost would be demolished. Burrowing owls that are in
 21 the vicinity of proposed facilities on the base would be
 22 relocated. There would be no impacts to threatened or endangered
 23 species or wetlands.

24 Other potential impacts would include continued
 25 disturbance of vegetation and habitat at existing ranges and

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1 continued temporary wildlife disturbance from noise under existing
 2 airspace. Aircraft flights would increase over much of the
 3 existing airspace compared to baseline, but the increase would be
 4 relatively small and result in small increased potential
 5 disturbance to wildlife.

6 Peregrine falcon and Mexican spotted owl nests would
 7 potentially be overflown more frequently in the areas of Lincoln
 8 National Forest, Sacramento Mountains and the Gila Wilderness in
 9 New Mexico and the Apache-Sitgreaves National Forest in Arizona.
 10 Southwest willow flycatcher nest habitat along the Rio Grande and
 11 in Arizona may also be overflown. Similarly, bald eagle winter
 12 concentration areas on west-central Arizona, the portion of the
 13 Rio Grande in the region around Elephant Butte Reservoir and
 14 Branley Lake and Santa Rosa Lake along the Pecos River
 15 potentially would be overflown more frequently. These daily
 16 overflight increases would be relatively small and result in a low
 17 impact to protected species. Consultation with the U.S. Fish and
 18 Wildlife Service has been initiated and would be completed prior
 19 to use of airspace to implement the proposed action.

20 Impacts associated with Construction and use of a new
 21 target complex on west Otero Mesa would result in a net loss of
 22 between 500 and 1,040 acres for construction of targets,
 23 firebreaks and roads. In addition, annual redistribution would
 24 occur during ordnance cleanup and maintenance. Use of inert
 25 ordnance and flares would increase potential for fires within the

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1 impact area. Up to 46,000 linear feet of Waters of the U.S. may
2 be affected under this option. Loss of this grassland and shrub
3 land vegetation would result in a minor loss of wildlife habitat,
4 including habitat for burrowing owl, aplomado falcon and black-
5 tailed prairie dog and grama grass cactus habitat.

6 Also wildlife would probably avoid the new target
7 complex while inert ordnance was being dropped and during cleanup
8 and maintenance because of human presence and noise. Increased
9 aircraft sorties would result in more frequent overflights of
10 wildlife on McGregor Range. For example, wintering bald eagles,
11 nesting raptors such as the red-tailed hawks and northern harriers
12 and bat habitat including potential roosts along the escarpment
13 and feeding areas and water sources would be overflown more
14 frequently.

15 Impacts associated with construction and use of a new
16 target complex in the Tularosa Basin would include short term loss
17 of virtually all 5,120 acres within the impact area because of the
18 need to remove existing ordnance before constructing the targets.
19 In addition, annual redisturbance of about 1,040 acres would occur
20 during ordnance cleanup and maintenances. Use of inert ordnance
21 and flares would also increase the potential for fires under this
22 option.

23 About 33,240 linear feet of Waters of the U.S. may be
24 affected by the construction and use of this option. Loss of this
25 grassland and shrub land vegetation would also result in the loss

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1 of wildlife habitat including habitat for aplomado falcon and
2 night-blooming cereus. As with the west Otero Mesa option, the
3 wildlife would probably avoid the new target complex, during
4 dropping of inert ordnance and during cleanup and maintenance
5 because of human presence and noise.

6 Using only existing ranges would result in a slightly
7 higher aircraft use of IR-113 and VR-176 compared to the no-action
8 alternative. The increased use of VR-176 would result in an
9 increased potential for overflight of habitat of peregrine
10 falcons, Mexican spotted owls, bald eagles, whooping cranes and
11 southwest willow flycatchers.

12 Impacts from the proposed action to cultural resources
13 on Holloman Air Force Base, under airspace areas, or at existing
14 ranges, would be negligible. If a new target complex were
15 constructed on west Otero Mesa, there have been 17 sites
16 identified that are either eligible or potentially eligible for
17 placement on the National Register of Historic Places that could
18 be impacted. If a new target complex were constructed in Tularosa
19 Basin, 29 sites have been identified as either eligible or
20 potentially eligible for placement on the National Register, and
21 could be affected.

22 Water resources would not be impacted by the airspace
23 components of the proposed action. Construction of new facilities
24 at Holloman would result in increased runoff, but common
25 engineering practices would be used to prevent any serious

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1 problems resulting from the runoff. Increased use of existing
 2 ranges would result in negligible impacts caused by runoff and
 3 there is an increased potential for soil erosion during heavy
 4 rain. However, resulting impacts to surface waters would be
 5 minimal. Increased soil erosion and sediment transport could
 6 result from construction and operation of a target complex in the
 7 Tularosa Basin, but the impacts would be negligible. Impacts from
 8 the west Otero Mesa option would be similar. In addition, there
 9 is a chance that water resource improvements, such as pipelines,
 10 water tanks, and pump houses could be damaged by inert ordnance.
 11 These improvements would be relocated as necessary or repaired to
 12 ensure the availability of water to wildlife and livestock is
 13 maintained.

14 There would be a 12 percent increase or about 13,500
 15 pounds in hazardous waste generated per year and an increased use
 16 of hazardous and toxic materials at Holloman. Hazardous materials
 17 and waste would be accumulated and disposed of in accordance with
 18 established procedures and would result in no significant impact
 19 on hazardous material and hazardous waste management. Hazardous
 20 materials and waste management are largely unaffected by the
 21 airspace utilization. Munitions on existing ranges would
 22 increase, but Air Force ranges are cleared annually of scrap
 23 metal, which is disposed of through existing orders and
 24 regulations. Under any of the training options, munitions use
 25 would generate about 150,000 pounds of non-hazardous scrap metal

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1 each year. Again, since clean-up and disposal procedures are in
 2 place to handle this waste, there would be no significant impact
 3 to the environment or hazard from this activity.

4 The proposed action would result in an increase of 640
 5 military personnel at Holloman, and generate about 110
 6 construction jobs. Annual wages and purchases in Otero County
 7 would increase by 10 percent to \$18.2 million, with the potential
 8 for other additional infrastructure improvements. There would be
 9 no significant impact to regional socioeconomic attributes, such
 10 as employment, construction, police or fire protection. Cost of
 11 construction of a new target complex on west Otero Mesa is
 12 estimated at \$4 million, and the Tularosa Basin option cost is
 13 estimated at \$20 million. Airspace utilization has little affect
 14 on the socioeconomic conditions.

15 The only transportation impacts resulting from the
 16 proposed action would occur in the City of Alamogordo itself.
 17 Although the proposed action would result in a relatively small
 18 increase in traffic, there would be an adverse affect on traffic
 19 conditions, potentially increasing congestion on the main road
 20 through Alamogordo.

21 Utility use at Holloman would increase between 6 and 13
 22 percent under the proposed action, but the increase would be
 23 within existing levels of service. Alamogordo utility use --
 24 water, waste water treatment, waste disposal and electric and
 25 natural gas supply -- would increase from 3 to 6 percent. There

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1 would be no impacts on utilities from changes in airspace or range
 2 use. If a new tactical target complex were built on west Otero
 3 Mesa, a portion of existing water lines and a stock tank may need
 4 to be relocated. The other training options would have no effect
 5 on utilities.

6 Construction at Holloman Air Force Base and Red Rio and
 7 Oscura Impact Areas at White Sands Missile Range could affect
 8 soils, but because of the present condition of these areas, the
 9 impact would be minor. Increased live munitions drops at Red Rio
 10 could increase vegetation loss and a potential for soil erosion.
 11 While increased use of live ordnance at Red Rio could result in
 12 increased contamination from uncombusted explosives, past use has
 13 been found to have caused negligible soil contamination.

14 If the Tularosa Basin new target complex were
 15 constructed, virtually 100 percent of the 5,120-acre impact area
 16 would be heavily impacted; that is, all vegetation would be
 17 removed in order to clean up the existing unexploded ordnance. If
 18 the west Otero Mesa target complex were constructed, 20 percent or
 19 about 1,040 acres of the vegetation would be removed. Soil
 20 conditions would be unaffected by the airspace utilization.

21 Safety impacts resulting from facilities construction
 22 would be negligible. There would be a minor increase in risk of
 23 aircraft mishap and bird-aircraft strike if the proposed action is
 24 implemented. Although the munitions use and handling would
 25 increase over current conditions, range operating procedures are

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1 in place to ensure safe operation, so no significant impact is
 2 expected under any of the training options. There is a potential
 3 for increased fire risk if one of the new target complex
 4 alternatives is selected.

5 The effects of this proposed action, along with other
 6 actions which have been recently implemented, such as the 12
 7 Tornados that were brought to Holloman last year and actions which
 8 will be implemented in the reasonably foreseeable future, such as
 9 the change to F-16's at Cannon Air Force Base were addressed in
 10 the draft EIS's cumulative impact analysis. A comparison was made
 11 between the conditions as they prevailed for fiscal year 1995 and
 12 those that are projected for fiscal year 2000 under the proposed
 13 action. For most resources, no significant cumulative impacts
 14 would occur following expansion of German Air Force operations at
 15 Holloman. These resources include airspace management, air
 16 quality, archeological, cultural and historical resources, water
 17 resources, hazardous materials and waste management, safety,
 18 utilities, transportation and soils.

19 In most cases, cumulative impacts would be related to
 20 increases in aircraft operations and the associated noise, which
 21 would affect land uses and biological resources. Other
 22 activities, such as timber harvesting and grazing, could add to
 23 the habitat impacts, although these impacts would be minor. Other
 24 projects in Alamogordo could affect the employment and economic
 25 activities in the area.

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To summarize, the environmental impact from the proposed action, most locations would receive negligible impact to the environment. Areas that are projected to be the most affected if the proposed action goes forward are areas in Alamogordo, because of increases of employment, population, traffic and aircraft operations at the base. Areas near Carrizozo, because of an increase in nearby overflights; areas west of Truth or Consequences in which threatened and endangered species such as the bald eagle and the Mexican spotted owl could be disturbed by potential increase in overflights. The Fort Sumner area because of potential increases in nearby overflights if there is an increase in the use of Melrose Range. Near Dell City because of increased nearby overflights and the Alpine/Marfa/Fort Davis area could experience increased nearby overflights if expansion of the German Air Force operation is approved.

Thank you for your attention.

THE JUDGE: So how can you comment? There are three different ways that people can comment. First of all, you can fill out the comment sheet that we've got at the tables, you can turn those in here. You can take and send in comments, up until August 4th. Now they have to be received at Langley Air Force Base, Virginia, by the 4th of August in order to ensure that they will be covered in the final environmental impact statement. But you can send those in to the address listed here.

The third way that you can comment is you can comment

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during the oral comment period that we'll have after the break. Those are the three different ways you can comment. Now, you can do one or you can do all three or any number of the above. If you comment orally here this morning, you can still send in written comments. Also if you've got prepared comments that you want to turn in or prepared remarks that you want to submit as part of your oral comment today, you've welcome to do that.

Now, we do have, as I indicated before, handouts and the handouts will remain a part of the record, both the 7 sheets, the 14 pages and the display boards that have been reduced to 8 1/4 by 14 sheets of paper, since those are here today being presented to you, I require that they be made part of the final environmental impact instrument statement because they do contain information being supplied to you.

Also I would like to note that we do have a court reporter with us, Mrs. Dama Wimberly, who is taking down the proceedings verbatim and she'll be taking down your comments verbatim as well, so that they can be reviewed and be made a part of the environmental impact statement.

We will, in a moment, I'll entertain clarifying questions, we'll be taking a break after that. I've been asked to announce that the entire campus here is no smoking. So if there are smokers that need to smoke you need to go off the campus. Let me make that comment for them.

Clarifying questions, I'm going to entertain. Again,

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1 for those of you who weren't here when we started, the clarifying
 2 questions are questions specifically over what the people
 3 presented. If you've got a comment or questions about already
 4 existing overflights or noise or that type of thing, this is not
 5 the time for that. You can ask questions during the comment
 6 period. They'll be responded to in the final environmental impact
 7 statement. They won't be responded to by the people here because
 8 the environmental impact study is made by and the analysis is made
 9 by a large number of experts. The three people that we have here
 10 are not the decision makers and they are not the experts as far as
 11 site picking experts on the environmental process. So those won't
 12 be part of the procedure.

13 But if you need to clarify what was presented we'll try
 14 to do that. What you need to do is ask, raise your hand and I'll
 15 recognize you, have you come up to the microphone, state your name
 16 and ask the question, and if it's a clarifying question, we'll see
 17 if they can answer it. Now, again, as I indicted, questions that
 18 are not clarifying need to be reserved for the comment period and
 19 also for those of you that came in after we started, I'll be
 20 taking comments, using the comment card. You need to turn that
 21 in, and mark it if you want to speak, and if you decide that you
 22 want to speak now and didn't check the block that you wanted to
 23 speak, during the break, I ask you to go ahead and just get your
 24 card, mark the block and they'll get those cards to me so that I
 25 can take the comments.

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1 Because of the number of people that are wanting to
 2 comment, there will be a limit of 5 minutes per speaker, so we can
 3 get everybody's comments in.

4 Let me ask, are there clarifying questions regarding the
 5 presentation itself? Yes, sir, please go ahead and come on up to
 6 the microphone.

7 SPEAKER: The question is --

8 JUDGE HUEPEL: If you could just state your name.

9 MR. CONROY: Bill Conroy. Request the figure 4,300
 10 additional take-off land use was made, is that per year?

11 COL. HARGARTEN: Yes, it is.

12 MR. CONROY: Thank you.

13 JUDGE HUEPEL: Are there any other clarifying questions?

14 ELDERLY MAN (NO NAME GIVEN) I hope you can hear me out
 15 right away. Why are the Germans coming here and why do we want
 16 them?
 AG-1

17 JUDGE HUEPEL: Well, Mr. Johnson addressed that section
 18 in the environmental impact statement --

19 (Applause from audience)

20 ELDERLY MAN: World War II, I saw thousands of Americans
 21 trying to tear our country apart, it's not because -- and Heil
 22 Hitler, and Deutschland Enstrein, back in the '30's.

23 JUDGE HUEPEL: Are there any other clarifying questions
 24 over the presentation? Yes, sir. The gentleman at the end had
 25 his hand up first and then I'll take the gentleman right beside

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1 him.

2 MR. RENDERKNECHT: My name is Les Renderknecht, you made
3 the statement on these negligible effects on the increase in
4 nearby overflights. What do they term a nearby overflight?

5 JUDGE HEUPEL: Where, exactly are you referring to, sir?

6 MR. RENDERKNECHT: She made the statement just before
7 she finished about the effects that this was going to have, and
8 you said that this would be negligible effects in this area in
9 Texas and New Mexico by the nearby overflights. What are you
10 terming nearby overflights? The section was on one of your
11 slides.

12 COL. HARGARTEN: I think I'll turn it back over to Ms.
13 Parker on the question of specific DB. But part of the
14 methodology is, they take and analyze the number of aircraft, the
15 type of sorties that are flown at various heights of airspace. So
16 for example, it can become very complicated if you have a low
17 level that is underneath a military operations area. The
18 scientists that are doing the analysis have to consider all of
19 that noise coming from aircraft, all the way up to 20,000, 28,000
20 feet, let's say all the way down to -- in other words, let's say
21 the number of aircraft operating in MOA plus the number of
22 aircraft that would be transiting that corridor or that low-level
23 route, so he would have to consider the amount of noise and the
24 number of sorties and types of aircraft. Does that answer your
25 question?

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1 MR. RENDERKNECHT: No. Are you afraid -- you said there
2 was negligible impact or she said that there would be a negligible
3 effect on the increase in nearby overflights.

4 MS. PARKER: No, I was trying to refer to exactly what
5 you were referring to. I said that most locations would receive
6 negligible impact.

7 MR. RENDERKNECHT: Right in nearby overflights. What I'm
8 trying to determine is what -- is this just an average? Is what
9 you're giving us, you're saying that there will be a negligible
10 effect on an average? Because it will affect a man on a horse if
11 a Tornado comes 500 feet away, at 600 miles an hour and it's not
12 going to be negligible.

13 MS. PARKER: The information that is given in this draft
14 EIS is addressed in two ways. It is given in what's termed over a
15 24-hour period and that is 65 decibels, reference point. And
16 there's also two charts that are in the EIS itself that give you
17 the SDL's at different levels, which is 1,000 feet at a time on
18 that level.

19 MR. RENDERKNECHT: Okay, so the 24-hour period is an
20 average?

21 MS. PARKER: It's average of 24 hours, but there are
22 specifics in regard to single events as well, so that information
23 is provided in both ways in the document.

24 MR. WILSON: Fred Wilson, Alamogordo. You mention
25 overflights but you don't mention the altitudes. Will you

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1 elaborate on that, please?

2 COL. HARGARTEN: Okay. The military operations area, and
3 the restricted areas all have different altitudes. You get in a
4 restricted area, you're talking about going up to 50,000 feet, in
5 our area definitely, and down to the surface, in restricted areas.
6 In the MOA's they also have different minimum altitudes. Some of
7 them go down to 500 feet, some of them go down to 300 feet. On
8 the low levels, there's a number of low levels listed on that one
9 chart. But the majority of low levels are cleared down to 100
10 feet.

11 MR. WILSON: Isn't that green line you mentioned earlier,
12 is that B-1 low level route?

13 COL. HARGARTEN: Can you put that slide up? (Complies)
14 I believe you're referring to the two green lines in Texas, here,
15 that we do not fly, is that what you're referring to, the D ones
16 are Dyess and Dyess and Barksdale use this IRI78 that goes right
17 here, and is dark green. The light green BR 196 is also aircraft
18 from the Air Execution Training Command and we do not fly those
19 routes.

20 MR. WILSON: Are those low level?

21 COL. HARGARTEN: Yes, those are low level routes.

22 JUDGE HEUPEL: Are there any other clarifying questions?
23 Yes, sir, your name please?

24 MR. WALSH: My name is JO Walsh, JO, our neighbors across
25 the street came here from Guadalcanal, some tools to trim the

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1 garden. He sharpened them before he returned and they should last
2 50 times over. But we didn't paint the wheel barrow, it should
3 have been painted -- but anyway, I think it's a good idea to have
4 the Germans here.

5 JUDGE HEUPEL: Sir, I'll take comments later on, but the
6 question is, do you have a clarifying questions over what has been
7 presented?

8 MR. WALSH: Yes, about the noise from these planes, why
9 not put some kind of exhaust break, to you know, muffle that.
10 Some you can change out if you find a different design works
11 better, to cut the noise down on some of these planes?

12 JUDGE HEUPEL: I'll have you raise that question during
13 the comment period, that's really not a clarifying question.
14 Let's see, yes, sir.

15 MR. ROBERTS: My name is Ken Roberts, I live here in
16 Alamogordo. The clarification that I would like initially, I
17 believe, Colonel, you said you didn't want any reference to NATO
18 and those things which is understandable, I guess.

19 JUDGE HEUPEL: No, I'm saying that the panel isn't going
20 to address that. I'm not precluding anybody from commenting on
21 that during the comment period.

22 MR. ROBERTS: Will I be permitted to comment on the
23 economics?

24 JUDGE HEUPEL: Sure.

25 MR. ROBERTS: So in other words, it's not just --

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1 JUDGE HEUPEL: I'm not limiting what people comment on,
2 from the public, what I'm saying the people up here, that's not
3 something that the people up here will handle.

4 The public, I see a number of familiar faces from other
5 hearings and I'm pretty liberal on what I let people comment on.
6 I want to let people have their say, so I'm not stopping what
7 people want to comment on. Yes, sir, right over here.

8 MR. POSEY: I'm R.L. Posey, You were talking about
9 decibels, 63 decibels average, over what area is that average
10 taken? The reason I'm asking is that a quiet office is about 65
11 decibels.

12 MS. PARKER: It depends on the speed of the aircraft and
13 the altitude of the aircraft.

14 MR. POSEY: That's not what I'm asking; I'm asking over
15 what area you are taking that average?

16 MS. PARKER: What I'm telling you is it's dependent on --
17 the draft EIS goes into much more detail and I'm not a noise
18 expert but what we are looking at is, there is a center line, and
19 depending on the measurement of the noise from that center line.

20 MR. POSEY: How wide from that center line is what I'm
21 asking you.

22 MR. PARKER: That is also in the EIS.

23 MR. POSEY: You don't know what it is? I have not been
24 able to get a copy of that EIS to read it.

25 JUDGE HEUPEL: Okay, the best that I can do is to suggest

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1 that there are a number of libraries that we've got here that it's
2 at. I don't know if there are any additional copies. You might
3 check with somebody at the end. I'm getting some indication that
4 there may be a copy that they can get you so you could take a look
5 at that. But the people here aren't the experts on the noise
6 measurement. So the best thing that we can talk about is what's
7 in the draft EIS or if you have some specific questions that are
8 not in the draft EIS, then they'll need to be answered in the
9 final EIS.

10 MS. PARKER: Let me refer you to, it's Appendix C in the
11 draft EIS goes into detail as to how the noise levels are
12 determined and some background information about noise itself.

13 MR. POSEY: But I don't know that everybody in this room
14 will read that EIS or understand the noise level. That's the
15 reason I'm asking because that's a very critical question as far
16 as any impact stage is concerned. I happen to have worked with
17 noise a lot is the reason I'm asking the question.

18 JUDGE HEUPEL: The bottom line is, sir, the people here
19 don't have the expertise to provide the answer you're asking for.

20 MR. POSEY: Also you talk about the EIS is put in
21 different public libraries, a lot of us, for example, I live 40
22 miles from Alamogordo. And you want me to drive 40 miles to get a
23 copy of that? And other people live out further than that.

24 JUDGE HEUPEL: Well, I think that they, if you'll go back
25 to the back, the Lt. Col. is holding up a copy that he can give

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1 you, so we can take care of you.

2 MR. POSEY: Thank you, what about the rest of the people?

3 JUDGE HEUPEL: Well, all I can say is that we'll do the
4 best that we can do. Since you raised the question first, there's
5 at least one copy back there. I don't know whether there's any
6 other copies back there. There was a hand in the very back, yes,
7 sir, with the white shirt, if you could come on up.

8 MR. LEWIS: Aubrey Lewis from Mayhill. The three people
9 probably can't answer this question, either. You say negligible
10 impact. Negligible to who? Who's making that definition?
11 (Applause from audience).

12 MS. PARKER: The definition of negligible and significant
13 impact are defined in counsel's environmental quality regulations
14 in the National Environmental Policy Act.

15 MR. LEWIS: The gentleman over here asked a good
16 question, and you engage in technical terms. I understand the
17 technical terms, but I guess what I'm looking for is a definition
18 of negligible. That means all kinds of things to different
19 people. People in Virginia or Washington, D.C., it might be
20 negligible, without any consideration for the people here in New
21 Mexico.

22 JUDGE HEUPEL: Well, the bottom line answer is that the
23 Air Force has to go by the Federal Rules and that is defined in
24 the federal rules, so the Air Force has to go by that, and I
25 believe that may be, that's listed in the Environmental Impact

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1 Statement, to derive the definition. I'm not sure whether it is
2 or not. I don't think it is in there. Yes, ma'am.

3 MS. RISER: My name is Hildy Riser; I live in Otero
4 County. Two points, you said the Germans will pay \$100 million in
5 construction costs. Does that include them footing the bill for
6 the entire cost of the ranches?

7 JUDGE HEUPEL: Col. Hargarten.

8 COL. HARGARTEN: It will take me a couple of minutes to
9 find it. \$100 million dollars for construction for the
10 construction they talked about at Holloman Air Force Base. If a
11 new bombing range is built, remember the Tularosa Basin option,
12 would have to be \$20 million; the Otero Mesa option is estimated
13 at \$4 million. Range cost alone, that I just talked about, the \$20
14 million and the \$4 million, there is a 60-40 split. The Germans
15 would pay for 60 percent of it, the USAF would pay for 40 percent
16 of that, whichever location is chosen. And the reason is, the F-
17 117's, the bombers, B-1, et cetera, in other words, U.S. aircraft
18 will also use those ranges. In fact if the Germans left in ten
19 years, the ranges would still be here, so we are paying 40 percent
20 only of the range costs.

21 MS. RISER: Could I have a second clarifying point? The
22 gentleman had asked a question about negligible noise from nearby
23 flights. Could you define, please, how far away from an object,
24 unit, person, et cetera, would be considered nearby. You have
25 definitions, so if you could refer me to the page in the draft EIS

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AG-6 1 or give me a definition of what you mean by a nearby flight. If
 2 I'm standing two miles away, am I beyond seeing a nearby flight?
 3 JUDGE HEUPEL: I think the answer to that is, that's
 4 going to have to be specifically addressed in the final EIS.
 5 Section C, or the Appendix C talks about noise levels under
 6 different circumstances of noise, but specifically what you're
 7 referring to is going to have to be answered by the experts in the
 8 final EIS. Are there any other clarifying questions over what was
 9 presented? Yes, sir.

AG-7 10 MR. FULTON: C. L. Fulton from Carrizozo. Looking at the
 11 EIS and the section starting at 311 through 320 which is the noise
 12 figures, as taken it shows charts for the noise levels at
 13 different positions around the field. Now, these, following the
 14 charts, you have average noise levels listed. There's no
 15 reference to a standard deviation or mean deviation --

16 JUDGE HEUPEL: Sir, I'm going to stop you. That would be
 17 appropriate comment, but that's getting into something that's in
 18 the draft environmental statement itself rather than what the
 19 people covered here, and they're not the experts to be able to
 20 answer your question.

AG-8 21 MR. FULTON: Let me finish the rest of my statement, sir,
 22 using your EIS. Are there charts available that show the noise
 23 levels that were actually measured? The lowest and the peaks
 24 which would be considerably different than the numbers that you
 25 show here. Are there charts or graphs showing the actual noise

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AG-8 1 level section? Are they available?
 2 MS. PARKER: Yes, sir.

3 MR. FULTON: How would I receive one?
 4 MS. PARKER: If you're talking about the data that was

5 collected in order to provide the contours around the base?
 6 MR. FULTON: Yes, ma'am.

7 MS. PARKER: That is collected and is maintained at
 8 headquarters, Air Combat Command. That information is generated
 9 by a co-worker, her name is Linda Merritt. If you put that as a
 10 comment, it would be appreciated.

11 MR. FULTON: Thank you.

12 JUDGE HEUPEL: Yes, sir.

13 MR. GRADY: Jim Grady, Alamogordo, New Mexico. The
 14 comment period ends, you said, on August the 4th, right? How soon
 15 will we receive, on the card we signed, to receive a copy of the
 16 EIS? How soon are those going to be sent to us?

17 JUDGE HEUPEL: Well, Mr. Johnson, I think went through
 18 the -- on the cards, this is for the final environmental impact
 19 statement and they're hoping to get that out in early November.
 20 But as he also indicated, that depends upon whether additional
 21 analysis or measurements have to be performed.

22 MR. GRADY: Okay, I understand what you're saying, but we
 23 need to have the draft EIS in order to make comments with regard
 24 to it. What I'm asking you is how soon will those be sent, when
 25 we sign those? Because we've only got, we're already on July 12.

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1 We'll be out of time by August 4th.

2 JUDGE HUEPEL: What I'm going to have to find out is --
3 I'm not sure how many copies of the draft environmental impact
4 statement are left. These sign ups are for the final, not for the
5 draft, these are for the final.

6 MS. PARKER: I will tell you that we will all be back in
7 our office from here. Those that request copies of the draft EIS,
8 they can go out on Monday. If you request them today, we will put
9 them in the mail on Monday.

10 JUDGE HUEPEL: So there are still other copies of the
11 draft EIS?

12 MS. PARKER: Yes, there are. We have as many available
13 as those who want copies of it.

14 MR. GRADY: So those will be mailed out on request by
15 July -- Monday will be the 14th?

16 MS. PARKER: 14th. Exactly.

17 MR. GRADY: And I'm assuming they will be sent standard
18 mail?

19 MS. PARKER: Yes, they would. You can take a look at the
20 document at any of the libraries that they've referenced there.

21 MR. GRADY: I understand that. Most of us live a long
22 ways out and we can't get to the library.

23 MS. PARKER: I understand.

24 MR. GRADY: Not to get into the comment period. But why
25 I'm asking regarding that, if we do not receive that draft EIS,

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1 can we then write to the coordinator on this and point out that we
2 have not received it, and to extend the comment period?

3 MS. PARKER: It's within their right to do that.

4 MR. GRADY: That's within their right to grant?

5 MS. PARKER: At my level, I can't, but yes, the Air Force
6 does have the option to grant an extension of the comment period.

7 MR. GRADY: Who has that right?

8 MS. PARKER: At this point, I will say somebody at Air
9 Staff level in the Pentagon.

10 MR. GRADY: So in the Pentagon. Would that be who we
11 need to write to, and can you give us a name?

12 MS. PARKER: After the clarifying, I will get you the
13 specifics on that and I will save it here for you, if you wish.

14 MR. GRADY: Okay, thank you.

15 JUDGE HUEPEL: Have you looked at the list to see if
16 there is any community closer to you than Alamogordo?

17 MR. GRADY: Yes, and there are none.

18 JUDGE HUEPEL: I have just been informed that the

19 contractor has close to 20 copies of the draft EIS here. So they

20 will make those available as long as they have copies here,

21 especially since this is the last hearing they'll try to get those
22 out. So I guess people will need to check back at the

23 registration table to get those copies.

24 Are there any other clarifying questions? Yes, sir.

25 MR. RAFT: George Raft, Crow Flats. You make the

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1 statement that this should have no impact on the water, one of
2 your statements there, did you address the impact on the ground
3 water resource?

4 MS. PARKER: That information is -- yes, it is covered
5 in the draft EIS.

6 MR. RAFT: It's addressed and what was that result?

7 MS. PARKER: No significant impact.

8 THE JUDGE: Yes.

9 MR. CARROLL: Jerry Carroll of Oscura. I've got a
10 question on the management of military strategy. Where do we find
11 that. You've referenced it several times and I've been trying to
12 find it. Where do we find it actually stated in a document?

13 COL HARGARTEN: We'll provide that in the comment period.
14 We'll make sure that's provided for the referred to locations.

15 Keep in mind there's a lot of people who are frustrated here, but
16 if you pick up this document, if you get one of these copies, you
17 will see that there are probably between 20,000 and 30,000 numbers
18 in this document. And what we do is we pay the contractor, it's
19 about to be \$2 million for this analysis. There's a lot of guys
20 with PhD's that do the noise analysis and things and quite
21 frankly, some of the methodology contained are very complicated.
22 Col. Chiatsi Osku, Command Director, he may know the
23 answer to your question, Jerry.

24 MR. JOHNSON: Is the United States required by law to
25 give their military strategy every year? I got my copy from

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1 Rathman's International because I wanted my own personal copy. I
2 know that in some of the large libraries, I'm not sure if
3 Alamogordo would have that, under the Freedom of Information Act,
4 the Library of Congress will be able to provide that.

5 MR. CARROLL: Why isn't it a part of this EIS?

6 JUDGE HUEPEL: That's not something that the people here
7 can address.

8 MR. CARROLL: Second question. It's been stated there
9 will be total vegetation elimination in some of these areas.

10 JUDGE HUEPEL: In one of the two options. In one option
11 area, the Tularosa Basin.

12 MR. CARROLL: Yes. I haven't had a chance to go into
13 detail on this EA, but I can ask it on clarifying. Was there wind
14 study to determine what happens to the dust after the toxic
15 weapons or whatever fires or anything else that leave residue. We
16 have a drastic southwest wind and we have upper respiratory
17 problems from these wind shifts and little dust devils that
18 actually come in and pick the debris up in even an enclosed area,
19 and disperse it--

20 JUDGE HUEPEL: Let me --

21 MR. CARROLL: That's what I'm trying to find out, whether
22 this was addressed, because I haven't found that in here anywhere.

23 MS. PARKER: If you're talking about air quality impact
24 during construction of the new target complex in particular, I
25 assume you're talking about particulate matter. Yes, that is

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1 analyzed in the draft environmental impact statement.

2 MR. CARROLL: It is? Another question.

3 MS. PARKER: I'm referring only to particulate matter.

4 MR. CARROLL: You mentioned toxic materials. There is a
5 level of toxic materials by weight in this EIS, and the question
6 in my mind, is part of that toxic material going to be distributed
7 by our winds and into areas; you're saying particulate matter,
8 that would be articles that could be particulate matter also,
9 could it not?

10 MS. PARKER: In regard to toxic material and hazardous
11 waste and hazardous material, we're referring to the hazardous
12 material that's being used to maintain the aircraft, on Holloman
13 Air Force Base, itself. There will be no toxic material appearing
14 by the German aircraft.

15 MR. CARROLL: TNT is not? Second question. The same
16 question on the ground that is cleared from vegetation. Is there
17 a study showing the water run-off?

18 MS. PARKER: That's included in the environmental impact
19 statement.

20 MR. CARROLL: Thank you. One other item. It's regarding
21 the sound level you referred to 4 - 7, this chart, it says
22 aircraft maximum is a weighted sound level. And you referred to
23 sound level for the 108 decibels for Tornado aircraft at 500 feet.
24 There's no specification as to speed of this aircraft. The
25 question is, is this the maximum absolute noise that these things

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1 can make or what was the aircraft speed and how would I find that
2 out from this chart?

3 MS. PARKER: It's not in there, and it would add to, to
4 assist you in understanding that information would be included on
5 that chart itself.

6 MR. CARROLL: Well, it isn't.

7 JUDGE HEUPEL: After the break, during the comment
8 period, if you'd like to see that included, that would be a
9 question that you might ask. If it would be beneficial to you.

10 MR. CARROLL: Thank you.

11 JUDGE HEUPEL: Yes, sir.

12 MR. HORNBACK: Bill Hornback, Alamogordo. You've
13 mentioned in there a possibility of bringing in more GAF aircraft
14 as your proposal. What if you had a total negative desire from
15 the community for bringing these aircraft in? Would it really
16 make a difference at all with what's going on?

17 JUDGE HEUPEL: This group can't answer that question.
18 That's a question that --

19 MR. HORNBACK: They are disseminating the information as
20 such. What, as a community, we'd like to know if there is the
21 possibility of denying?

22 JUDGE HEUPEL: The no action alternative is something
23 that Mr. Johnson talked about and that no action, which would mean
24 not bringing in the aircraft, is a possibility.

25 MR. HORNBACK: A possibility only? Or a probable. So

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1 far you've had only negative comments.

2 COL. HARGARTEN: Well, as Mr. Johnson discussed in his
3 talk, the purpose this morning is to get to hear your input. The
4 decision maker, when the decision maker goes to make his decision
5 we want him to make an informed decision and make the best
6 decision, as Mr. Johnson referred to.

7 In order for him to do that, he needs to hear that, he
8 needs to hear that the consensus of this room is that you do not
9 want the Germans to come. Or you do want them to come, or you
10 prefer a certain option to the range. He needs to understand
11 that, and the reasons why. That's the purpose of this. His
12 decision is not made in a vacuum.

13 So the answer to your question is, could, based on
14 public comment, could the decision maker chose not to do this
15 action. The answer is yes. By the same token I would be less
16 than honest if I didn't say that the decision maker couldn't
17 consider all your comments which were against the proposal this
18 day, and indeed implement. All that he requires is that the
19 science is done, the analysis is done and what these environmental
20 impacts are. It doesn't say that the federal agency can't go
21 ahead and implement it. Does that answer your question?

22 MR. WILCOXSON: Yeah, but what you're saying is our
23 response has no meaningful bearing.

24 COL. HARGARTEN: I don't want to give you today --

25 MR. WILCOXSON: Yes, sir, I understand.

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1 COL. HARGARTEN: I know that those that are familiar with
2 the environmental assessment that to get this distance from
3 Mayhill here, if you look at the original environmental assessment
4 proposal for that area, that thing has radically changed. The
5 altitude, the routes, everything has changed, they have all
6 changed on public comment, they were all changed based on public
7 comments.

8 JUDGE HEUPEL: I'm going to close off the clarifying
9 question point because I see an awful lot of people that want to
10 make comments, and I will make sure their comments get on the
11 record. So we'll take a ten-minute break right now. If you did
12 not sign up indicating you want to comment and you want to, go
13 ahead and do that, please, and there are still some copies of the
14 draft EIS available.

(Recess was taken.)

15 JUDGE HEUPEL: As I indicated in the beginning, I will be
16 calling on the public. The public I'll call on in random order.
17 I do have two elected officials that I'll be calling on first.
18 Because of the number of speakers that we've got, I am going to
19 need to have people keep to the five minute time limit, so that
20 everybody has an opportunity to speak. I've got about 25 speakers
21 right now, so I'm going to ask everybody's indulgence to, one, go
22 ahead and pay attention and two, not to interrupt the people.
23 We need to have everybody do what we've been doing
24 before. I'll recognize you, ask you to come up to the microphone
25

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1 and if you'd go ahead and state your name and where you're from, I
 2 don't need your address, but just what city so that the people
 3 here understand. And go ahead and speak. I'll raise my hand at
 4 the five minute point and ask you to go ahead and finish up at
 5 that time. And you're going to need to get up close to the
 6 microphone, maybe to adjust it, we want to make sure that
 7 everybody can hear, but I have to make sure that the court
 8 reporter can hear so that we can get your comments recorded.

9 At this time, I would like to call on Mayor Don Carroll.
 10 The other thing that I need to say is please address your comments
 11 to me as the hearing officer. At this time, I'll call on Mayor
 12 Carroll.

13 DON CARROLL: Thank you, Colonel. Welcome to Alamogordo
 14 and thank you for giving us the opportunity to be a part of this
 15 process.

16 The City of Alamogordo is on record as being in support
 17 of a bombing range for the Air Force on McGregor Range. We
 18 understand that there are significant economic and cultural
 19 impacts to this proposed action and there's others that will speak
 20 to those. We speak often of Holloman Air Force Base being a good
 21 neighbor. They're more than a neighbor. Holloman is a part of
 22 Alamogordo, the community, and as such, we're concerned about the
 23 future of Holloman, the long term viabilities as a base, a
 24 military base.

25 What we have learned as a society, I guess, over the

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1 last 20 or 30 years is that there are environmental consequences
 2 involved in any action that we take. And I think that this
 3 process has borne out that in any of the options, there are some
 4 environmental concerns. I think that the Air force has worked
 5 hard to identify and work with us in mitigating the concerns.

6 I know in my dealings with Air Combat Command and with
 7 Holloman Air Force Base that they are concerned with the
 8 environment, they are good stewards of the land. There's
 9 extensive restoration action going on at Holloman now to correct
 10 things that happened many years ago. So I'm confident that in
 11 this process, no matter where the range is located, that the Air
 12 Force will, in fact, be good stewards of the land and of the
 13 environment. And I would hope that if in fact, a bombing range is
 14 located on McGregor Range, that its location is the one that's the
 15 most advantageous to the Air Force at Holloman. Thank you.

16 JUDGE HEUPEL: Thank you, sir. Tim Jennings, State
 17 Senator, I would call on next.

18 TIM JENNINGS: Hello, how are you and welcome to New
 19 Mexico. I represent Chaves County, Eddy County and a little bit
 20 of Otero County. I also have a ranch in one of those little green
 21 areas, so we're used to some of the flyovers that you have.

22 And to say that the planes never go below 500 feet, I
 23 guess I'll tell you to read Readers Digest because they had an
 24 interesting story about a shepherd who shot one of those planes at
 25 an angle where they were less than 500 feet, was the only way it

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1 was possible. And for my witness, I refer you to Readers Digest.

2 In looking at this, I think there's some, there's
3 nothing in here I think that anybody wants to say necessarily to
4 stop the Germans from coming as far as for training and other
5 purposes. I think there are some considerations that have to be
6 made to the people who live outside the municipality. Because as
7 I listen to this environmental impact statement and everything
8 that was said here today, very little of it dealt with any of my
9 issues.

10 It only dealt with if you happen to live in the City of
11 Alamogordo or in a town, we're not going to have flyovers. I
12 think we ought to start with a couple of flyovers of Alamogordo
13 and Roswell and Albuquerque.

14 (Applause.)

15 If we do that flyover at 100 feet, then people will know
16 what we're talking about. I mean we're all sitting here
17 responding to something that no one's ever seen or heard tell of.
18 So you might put a lot of people's fears at rest if you would do a
19 couple of these flyovers and see what they're going to do. If you
20 plan to have a flyover at my house at 100 feet at midnight, then I
21 expected the same treatment to the people of Alamogordo. And I
22 don't mean to be vicious. I am just saying, you know, people have
23 to understand how other people live.

24 My home is just as important to me as somebody in
25 Alamogordo's home. There's no difference. And it is very

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1 important. I live on the flyway of the old Roswell Airport, the
2 old SAC base there, so I remember.

3 Just some of the questions that I had through here that
4 I think should be noted in your comments. How long are the
5 flights going to last, are they going to be every 15 minutes, are
6 there going to be four planes in a row. Our particular ranch is
7 on the corner of what used to be Highway 24, by the Penasco school
8 which is where the planes fly right over our house and turn and
9 make big squeaking turns and head back south when they come up
10 through there flying now. And when they're flying, they come in
11 low, it does have a great deal of effect on livestock. If they
12 come in at 100 feet, I hope they're not low because I think my
13 flag pole I'm putting up next week will be 85 feet tall. And so
14 we need to be in tune with that.

15 But you know, when you have a windmill that's 40 feet
16 tall and you sit there, if they turn one of those planes up, glide
17 it up to where the windmill is going to be damaged, and if that
18 comes up in the damages, how are you going to respond to damages?
19 Because are we going to respond to the German Air Force, are we
20 going to have to call -- I mean, chances are that you're not going
21 to see it happen, and so who's going to mitigate damages as we go
22 out and look? I happen to have the unfortunate opportunity of
23 having a BLM truck run into me, when I had a brand new truck. It
24 was less than two weeks old, and it took over -- well, from June
25 of '95 until November of '96 for them to pay my damages, it was

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1 \$2500, I had to pay all the costs, I had to pay all the --
 2 you know, if we're going to have that same kind of damage system
 3 out there, then we need to look into that. Because these are all
 4 things that have to be considered.

5 When we talk about average noise levels, I just want to
 6 talk to you. When you start talking about averages, just stop and
 7 think about in New Mexico, we have problems. We had problems with
 8 the Highway Department because our speed limits were too light --
 9 we were driving faster than the speed limit and the Congress will
 10 allow or faster than 65 miles an hour, a rate that you had to have
 11 if they had all the rates on the highway. So they never had that
 12 problem in their life because for four hours every day in law,
 13 they spend in the most heavily traffic time, the people going 20
 14 miles an hour for four hours a day.

15 So when you look at that, the other 20 hours of that
 16 day, you could drive 100 and nobody ever get to the average of 55.
 17 That's all I'm pointing out, when you start talking about
 18 averages, you can't go on through.

19 Okay, well, just the frequency, I will tell you that
 20 according to our own Game and Fish Department, the spotted owl,
 21 the bald eagles and the peregrines and they're all within your
 22 habitat area and you should look at that. I would like to see
 23 some help because of the increased traffic, if possible on Highway
 24 54. And I guess that's it, because my time's up.

(Applause.)

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1 JUDGE HEUPEL: Okay, the card that came up after I
 2 shuffled and split it and took it off the bottom is Jerry Carroll.

3 MR. CARROLL: Jerry Carroll from Oscura. We're talking
 4 here about the expansion of the German Air Force at Holloman.
 5 I've got a list of different bases in the operations there.
 6 Starting out with the first German Air Force Training Squadron,
 7 U.S.A., Box 800, Building 283, Holloman Air Force Base,
 8 Alamogordo. And then the German Air Force Headquarters, 1021
 9 Tenth Street, Holloman. Then we have the Federal Republic of
 10 Germany Armed Forces Administrative Agency at Fort Bliss, Texas
 11 and the German Air Force Air Defense School at Fort Bliss and the
 12 German Air Force Language School at Lackland Air Force Base,
 13 German Air Force Transportation Center west of the Mississippi
 14 River, c/o American West Air Freight, El Paso International, El
 15 Paso, Texas; and German Air Force Unknown Mission at Shepard Air
 16 Force Base in Wichita Falls, Texas. German Air Force Team, PCH
 17 2,000 at the Yuma Proving Grounds, Arizona, Kingman, Arizona.
 18 We've got the German Air Force, Mission Unknown at China Lake,
 19 California, we've got the German Armed Forces Command, 10 North
 20 Service Road, Dulles International Airport, area code 20041
 21 contact Mr. Rupp, telephone number 703 661 5001, fax number I
 22 don't need to put on there.

23 And we have the Second Fighter Training Squadron in
 24 Pensacola, Florida.

25 In my mind, I think we've got a little bit too many

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1 Germans, especially if we're going to increase it by 30 more
2 aircraft. They've already crashed one Tornado, and if they
3 increase it by 30, perhaps they'll be lucky and pick out the
4 middle of Alamogordo.

5 With that in mind, I want to read a quick one. This one
6 has to do with Cosco. It's "Declaration of Treason in High
7 Places" by Brenda Lyles, Bakersfield, California. It says:

8 "Fellow Americans, when in the course of human events,
9 the president and the congress invents a design to reduce the
10 people under an absolute despotism, it is their right, it is their
11 duty to throw off such government and to restore to the people the
12 supreme law of the land as embodied in the Constitution of the
13 United States of America. And such is now the necessity,
14 promulgated by repeated injuries and usurpation by the accused in
15 attempting to establish an absolute tyranny over the states and
16 the people, by systematically subjugating the people to a One
17 World Government under the Communist regime of the United Nations
18 and ignoring the unalienable rights of the people as set forth in
19 the Constitution. Let these facts be submitted to a candid world.

20 They have refused to assent to the supreme law of the
21 land embodied in the Constitution of the United States and
22 violating their oath of office by passing laws in opposition to
23 the supreme law and the rights of the people.

24 They have erected a multitude of new offices and sent
25 their swarms of officers to harass our people and to confiscate

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1 their substance.

2 They have allowed numerous unchartered entities to
3 institute regulations to fine, imprison and even murder citizens
4 of the various states, in effect declaring war upon the citizens
5 in direct opposition to the Constitution. These illegal agencies
6 include but are not limited to FBI, BATF, IRS, EPA, FEMA, CIA AND
7 BLM.

8 They have allowed these agencies to attack the citizenry
9 without due process, confiscating their property and bank
10 accounts, imprisoning them and moving them from one prison to
11 another, so that even their attorneys can't find them, all the
12 while sharing the confiscated property among themselves, their
13 various agencies and government officials, including the so-called
14 president who gets \$25,000 for each person who is convicted by the
15 IRS.

16 They are working to abolish our free system of law by
17 subjugating us to international law as embodied in the United
18 Nations Charter, to which George Bush said: 'It is the sacred
19 principles enshrined in the United Nations Charter, to which we
20 will henceforth pledge our allegiance.'"

21 I've run out of time, I can't finish this but keep in
22 mind that the Nuerenburg defense was no good, they hung them
23 anyway.

(Applause.)

JUDGE HEUPEL: Gordon Newly.

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MR. NEWLY: I'm from Las Cruces, Gordon Newly, like you said. I would like to address only one portion of what we've been talking about and that is the location of the sites. I would like to speak against the Otero Mesa site selection. It may be cheaper but I think it makes more environmental sense to use a site that's already been messed up, one that they shifted already and that's the Tularosa Basin site.

(Applause.)

On the Otero Mesa, you've got a very significant grassland area there, and it troubles me to hear them talk about taking out 1,000 acres of that. I think that from the standpoint of wildlife, grassland, livestock grazing and things like that, Otero Mesa site is one that really ought to be left pretty much as it is. I don't know how ranchers can handle livestock when they can only get in there on Sunday afternoons or something like that. That's really all I wanted to talk about.

(APPLAUSE)

JUDGE HEUPEL: Thank you, sir. Michael Nivison.

MR. NIVISION: Let me submit this and here are copies. I'm going to be speaking on behalf of Otero County. My name is Michael Nivison, I'll be speaking on behalf of Otero County. I'll be reading a letter from the Commission Chairman. I'm not going to read the headings and what have you:

"All three commissioners will be out of town on business, and I have delegated Mike Nivison to state Otero

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County's position. I thank you for allowing us time to speak and I apologize for any inconvenience.

As stated before, Otero County Commissioners would like to comment on pages ES-2. We strongly support the Tularosa Basin portion of McGregor Range, as we feel from our cumulative information that this is acceptable to the county. We, the Otero County Board of Commissioners, cannot support the other two options.

I would also like to submit a list of concerns regarding the NEPA process. If you have any questions, Mike Nivison will be glad to answer your questions in full. A letter will be forthcoming. Sincerely, Ronny Rardin, Otero County Commission Chairman."

(Applause)

Now, I hope you don't mind if I steal a few of your statements that you all made up here, but you have suggested that the Air Force has to go by the law and I want to read these laws to you that came out of NEPA:

"The proposed expansion of German Air Force operations at Holloman Air Force Base, New Mexico falls under the authority of the National Environmental Policy Act. Public Law 91-190, 1969. Now, I'll quote you that law.

"Section 1501.5 Where appropriate the lead agency should seek the cooperation of state or local agencies of similar qualifications."

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1 I would suggest to you that Otero County is the most
2 significantly impacted government in this process in the NEPA
3 proper.

4 "1501.2 Agencies shall integrate the NEPA process with
5 other planning at the earliest possible time to ensure that
6 planning and decisions reflect environmental values, to avoid
7 delays later in the process to head off potential conflicts."

8 Now, I'm going to read the laundry list, but let me
9 suggest to you before we start that with a document coming out,
10 such as this, this is, Otero County has not been fully informed
11 and has not been part of the planning process.

(Applause.)

12 In this document, Otero County is not on the list of
13 personal communication, other than that Stephanie Bryan was
14 contacted to see what the subdivision plans are. Otero County is
15 not on the mailing list and did not receive a copy of this and had
16 to request a copy of this.

(Applause.)

17 We, at one of the scoping hearings, we supplied probably
18 three inches worth of documents that had to do with our custom and
19 culture and I have not seen any significant information in this
20 document from those documents. No Otero public land use plan or
21 ordinances were considered or requested. We do have a public land
22 use plan, we have a mini NEPA for this county. It says that if
23 the Air Force will set up the table in the planning phases, we

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1 have given a presentation in September and NEPA says that there
2 was not enough information to talk to us and that would be brought
3 back in November. We have never gotten any representation.

4 In December, I requested from a lady up here, she would
5 see about it, I have not heard anything. In separate meetings
6 with Senator Dominici, Senator Bingaman and Congressman Skeen, the
7 Air Force was asked to work with Otero County and Otero County has
8 waited in good faith and has not been contacted by phone, in
9 person or by correspondence. And yet the draft EIS is published.

10 First, I'd like to ask, does anybody take any exception
11 to any of those items?

12 JUDGE HEUPEL: As I indicated before, the rest of us
13 cannot answer any questions.

(Applause.)

14 JUDGE HEUPEL: I'm going to start calling two people so
15 the next person knows that they're coming up and can be ready when
16 the first person finishes so that we can perhaps keep it moving
17 better. Clayton Walsh will be the next speaker followed by Ken
18 Roberts.

19 MR. WALSH: What I want to say is we have to watch out
20 about the German Air Force coming in here. You go back to
21 history. The old Kaiser, he got defeated, he started taking over
22 France. So he got that and the people demanded and they got
23 somebody new. Who did they get? Hitler. Hitler worked and
24 worked and he had the Weirmach and he got in there and what

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1 happened to him? Got an order in the front and got ahold of him
2 in the Crimea. We also helped in 1945 to defeat him.

3 Now, the German people are pushed right now, yes. For
4 what, but they're coming out. And why do we have to give them a
5 foothold in the Air Force right here in the United States, I
6 fought against that principle on Guadalcanal. Thank you.

7 (Applause.)

8 JUDGE HEUPEL: After Mr. Roberts will be Hildy Riser.

9 Mr. Roberts.

10 MR. ROBERTS: Ken Roberts, of course, Alamogordo, New
11 Mexico. I lived here for about six years initially when the word
12 was given out about the German Air Force coming here, I really got
13 upset, I did everything I could to prevent it. And for that I've
14 been called prejudiced and everything else, but I just want to
15 preface my comments with I'm not prejudiced.

16 It is my very deep considered opinion that no foreign
17 service of any kind should have armed troops in the United States
18 of America.

19 (Applause.)

20 But I want to mention, I really want to spend most of my
21 time on the economics and how the City is on the verge of
22 bankruptcy as a result. I first want to say it's been brought to
23 my attention that Tornado aircraft is flown both by the Italians
24 and the French. They didn't help us in Saudi, the Germans didn't.
25 So why this comment about this claim that it was in Saudi Arabia.

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1 It was, but not the Germans. The other thing is, the Italians
2 overfly Germany in their training. The English and French and the
3 other countries, I'm sure, nobody has a training base any place in
4 the world like this one that's been established here.

5 Now, I want to get into the economics as quickly as I
6 can. The last figures that we could get from the Chamber of
7 Commerce that were published and until I started making issues out
8 of it, they published them every month and they stopped.

9 Our unemployment rate is up 30%. Eight American boys
10 who lived on my street on Sequoia Loop, are now living on the base
11 because they couldn't afford the rentals for the houses. Their
12 leases were up, they couldn't pay \$900 or \$1,000 a month. They
13 since have been taken the place of by 22, 23 year old Germans
14 whose government, for those of you who don't know, pays half of
15 their rent. So they can rent a house on the golf course, \$150,000
16 house for \$750 a month. Our boys live in barracks on the base.
17 (Applause.)

18 It gets deeper, before they came they talked about
19 bringing German Teachers and everything here, doctors and
20 everything else. There are no German doctors at the base. Our
21 boys have to get appointments to get their treatment, they walk in
22 and then walk out and say the doctors are giving it. I'm tired of
23 hearing it.

24 Now again to economics. To make my point, many major
25 stores are closing, we lost TGSY, Anthony's is in the process of

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1 closing right now. Our taxes are going through the ceiling, you
 2 folks that live in Otero County have no idea how much the rates
 3 are or the reassessment. On top of that, they're saying there's a
 4 shortfall, we need more taxes. Now where is this prosperity that
 5 was bought. The overflights, the gentleman that talked about the
 6 planes flying over town, I take my hat off to him because this is
 7 absolutely ridiculous and some of the folks here may not be aware
 8 that initially all of these proposals were made to accommodate the
 9 Germans and not the United States Air Force.

10 (Applause.)

11 When I sit here and hear about the plane crash, there
 12 was a little writeup in the paper, nothing has come since, was it
 13 pilot error, was it mechanical error. It was 25 miles from my
 14 house and in flying time, folks, that's two minutes, that plane
 15 crashed in less than three minutes from where I live.

16 I can go on and on but we only have five minutes. I
 17 also wrote a letter to the local paper, when they raised their
 18 flag at our base. To me this is the final insult and slap in the
 19 face. A huge German flag flies over a hanger at an American Air
 20 Force Base. Whether by coincidence or what, I don't know, but the
 21 following day, the flag was lowered and it hasn't gone up since.
 22 Now, I find out that on August 6th, there's going to be a big flag
 23 raising ceremony out there, both their flag and ours. I would
 24 like those who command that Air Force Base why do we have to have
 25 a ceremony about our flag going up, I thought this was an American

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1 base to begin with.

2 (Applause.)

3 Now, people that I know throughout the country, they
 4 have no way of knowing what's going on here. I got a letter
 5 written back, called me some kind of nut, because flags don't mean
 6 anything. To me the sign coming into this City and Germans,
 7 welcoming German soldiers is an absolute outrage.

8 Now, to remind you, there's a group in here that thought
 9 they would retire in Alamogordo, New Mexico, they have to keep
 10 driving. It's an insult. And yet when I try to say something, I
 11 don't like Germans. I happen to be German, I don't believe any
 12 foreign troops should be here. If this was not the German Air
 13 Force, if it was the Mexican or Israeli Air Force, the people
 14 would be out in the streets picketing that Air Force Base.

15 (Applause.)

16 In conclusion, I urge those of you who are concerned
 17 over that flight pattern which is really something to be concerned
 18 about, let's stop this before the wound festers. Let's get
 19 together somehow and stop this influx of people. When our taxes
 20 go up, it will show up in dollars, probably this November,
 21 hopefully these rents will come down so these American soldiers
 22 can afford to live.

23 I thank you for your time.

24 (Applause.)

25 JUDGE HEUPEL: Thank you, sir. After Ms. Riser will be

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1 Aubrey Lewis. Miss Riser.

2 MS. RISER: Thank you. Hildy Riser, Otero County. There
3 were a number of issues on the biological resources, but I will
4 submit that in written comments, errors and points that they have
5 not included.

6 The point that I want to bring out today is escarpment
7 noxious weeds, there is a county ordinance, volunteer program on
8 noxious weed control. There's 15, 16, 17 species on that list.
9 If you go into Otero Mesa, and you're going to be disrupting a lot
10 of vegetation, you need to address exactly how you're going to
11 monitor invasion of noxious weeds, you're going to need to measure
12 grazing land, noxious weeds throughout the west has been the
13 biggest cause of range land throughout the west, people have had
14 to abandon their ranches because the property values declined from
15 the invasion of noxious weeds. You need to stress how you're
16 going to make sure noxious weeds don't invade, once you have a
17 disturbance, any number of these weeds can invade. You need also
18 that monitoring program and how you're going to go in and on what
19 basis you're going to monitor those types of things, both on base
20 and off base. Thank you.

21 JUDGE HEUPEL: Aubrey Lewis, and after Mr. Lewis, sitting
22 here in the middle would be Bob Jones.

23 MR. LEWIS: When I came here, I didn't intend to say
24 anything, but my wife accused me of being a big mouth. I'm
25 representing myself as well as the Cloudercroft area sustained

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1 building, I'm on the steering committee. We're interested in the
2 economics of the mountain area and how we can sustain that and
3 continue it.

4 That would include Elk, Mayhill, Sacramento, anything
5 that comes close to the Lincoln National Forest are supposed to be
6 a protected reserve for people in the country. This morning
7 coming into town -- I also should mention, I'm a native New
8 Mexican -- and I am quite accustomed to cussing Texas license
9 plates. This morning coming into town, I met license plates from
10 Chihuahua, Mexico, Ohio, Arizona, Texas, New Mexico.

11 People come here from all over the world to help share
12 this beautiful environment that we have. And I suggest to you
13 that they don't come here for 10:30 PM sonic booms and sit on the
14 back porch and watch German Aircraft, or Holloman Aircraft zoom up
15 and down the damn canyon. They come here to watch turkeys, deer,
16 they come here for peace and quiet.

17 New Mexico is part of the United States. A lot of
18 people in Washington have a hard time fathoming that. New Mexico
19 is not a wasteland. Americans live here. As a native son of New
20 Mexico, I remember a very wise old man, a rancher south of here
21 who fought at gunpoint to keep the damn federal people off his
22 property. He won and was permitted to stay there at his own risk.
23 And when he died, his family lost their ranch.

24 My wife's family, part of her family lived north of the
25 Trinity Site. After the first bomb in this world, or that came

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1 from this world, all their cattle turned white on one side. Every
2 member of that family died an early death of cancer.

3 The federal government accepted no responsibility for
4 the cattle or the things being decided. My point is that the
5 military has its nose in the tent and it has had for many years in
6 New Mexico. Outsiders view this country as a wasteland and nobody
7 lives there, who gives a damn? You want to blow up an atomic
8 bomb, let's do it in New Mexico. You want McGregor Range to fire
9 off shells, let's do it in New Mexico.

10 You want to fire missiles in White Sands, let's do it in
11 New Mexico. You want airplanes running up and down the Tularosa
12 Basin -- my question is how much more of the state do you want?

13 (Applause.)

14 You did your first environmental study, let's just
15 mention a few little things. And yet you made some concession,
16 you went from 100 to 200 to 500 feet. Have you ever had an
17 airplane fly over your house at 500 feet at 10:30 at night? I've
18 heard owls, bats, wildlife, decibels, Sacramento Mountains, the
19 Lincoln National Forest, land set aside for the people, negligible
20 impact. The Gila, we're proud of the Gila, that's a National
21 Wilderness Area, for God's sake. Hazardous waste 110 new jobs,
22 big deal.

23 No major regional impact economically, little impact
24 socially, and you say that we acknowledge, you made changes
25 because of the Mayhill public hearing. Good grief, you probably

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1 didn't intend to fly below 500 feet in the first place, it's like
2 buying cars. You come in on the low side so you can negotiate and
3 come out with what you wanted in the first place.

4 Where is it going to stop? This isn't going to be the
5 last public hearing, there's going to be more. For the people
6 here, votes are what counts. Don't screw around with these people
7 up here, write your congressman, your state legislators, your
8 state representatives, write President Clinton, write Babbitt.
9 But the thing is these people here have got to be heard and they
10 need to write letters, don't sign petitions, write letters to your
11 elected representatives, and raise hell about it.

12 (Applause.)

13 JUDGE HUEPEL: Thank you, sir. After Mr. Jones will be
14 Marianne Thaeler.

15 MR. JONES: Here we go again. I guess I've attended
16 several of these meetings and my son has attended several. And we
17 hear the same stories again and again over this process, and of
18 course, it's a little bit more -- I'm a little surprised because
19 the ones I attended before, I heard not even one favorable comment
20 in regard to this proposal that's been made. And I haven't heard
21 one except for the mayor, Don Carroll, here today. I don't know
22 how you have your cards there.

23 But we found that those of us who live in the rural
24 areas in the State of New Mexico and especially here, have a long
25 history of dealing with the problems that you all give to us now.

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1 And we have never prevailed in all this time, and I think we've
2 sacrificed more than our share over the last 50 years to try to
3 support the war effort in the second world war, to try to maintain
4 national events back during the cold war and all those different
5 areas, through the Korean war, through Vietnam, through all of it,
6 we've always been contributors over and above what most people
7 have to do.

8 I do have a problem in this one because I stated before,
9 we're not talking about national defense, we're not talking about
10 supporting American troops, we're talking about the Air Force and
11 I have to use that word, prostituting itself for the dollar that's
12 out there.

13 (Applause.)

14 I have a feeling discussing this, and I won't point any
15 fingers at some of the Air Force personnel, some of them are not
16 all that happy about where this thing is going, either. I think
17 when you talk about paranoia, the people talk about one world and
18 the U.N. and all these things that can happen, the very thing
19 that's happening here seems to kind of support that. And it's
20 going to make people have doubts about where we're going.

21 But here in Otero County, I think these figures are
22 right, I'm sure they can be checked but this is the best that I
23 can do with it, there's 400,000 acres of deeded land in this
24 county. Just taking the Mesa down there which a lot of people
25 don't really realize, 100,000 acres of that is going to be in that

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1 flyover down there that's being impacted by, which is a fourth and
2 that's going to stop all use, development, depress land values, do
3 everything in the world to that land when we have those 100 foot
4 flights of the Tornado up to 500 feet.

5 Whatever comes later, because the gentlemen told me
6 before, this is not the end of it, this thing is in perpetuity and
7 there's going to be changes made through the years and we're going
8 to be paying for a lot more things like that. And I'm sure it's
9 true. And then they've got all the land that belongs to the State
10 of New Mexico in our state land office, which is for the
11 beneficiaries of the trust. This is one of them, right here. The
12 value of that land is going to go down.

13 The whole thing, it's going to be a real problem as I
14 see it, outside of Alamogordo. But I was raised in Alamogordo,
15 went to school here, have lots of friends here. I can't imagine
16 that the people here in town are saying, well, again, we want to
17 do something to enrich ourselves or to maintain our economy, but
18 you sacrifice because we don't contemplate compensation or residue
19 from anything that you have out there because we can get, you just
20 have to put up with it this time, and you ought to be happy to do
21 so.

22 This is where we, most of us, this was our town and we
23 grew up here, we went to school here, we supported it through all
24 these things. I kind of hope some of these business people and I
25 know lots of them, would say if you have an alternative here,

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1 let's flag on what does the least damage out of the country. And
 2 I would appreciate that, and I hope that I would do the same for
 3 you if the shoe was ever on the other foot, although I don't see
 4 it happening.

5 One other thing that I wanted to say about the EIS
 6 process, and I wanted to ask this question for clarification and I
 7 didn't do it. But I just wondered when you get someone to do the
 8 process you have a contract. And I would hope that the low bid
 9 comes in and that's who does the EIS work for the Air Force. I
 10 wonder if they have to stretch to get people that do it, collect
 11 from those routes that are out there. You said you have a
 12 colleague that does a lot of yours, did some part of this work.

13 Okay I just wondered how that process worked. I have a
 14 feeling that the same people always do it, and they have an
 15 agenda. The other thing is, as I said before, if we have no other
 16 recourse but this, we are going to file a class action lawsuit and
 17 ask for injunctive relief.

18 (Applause.)

19 JUDGE HEUPEL: Thank you. Marianne Thaeler, and after
 20 you speak, George Rauch. Yes, ma'am.

21 MS. THAELE: My name is Marianne Thaeler. I'm the
 22 Military Issues Chair of the Sierra Club and I'm a 30 year
 23 resident of Las Cruces, New Mexico. I reserve the right to
 24 present written comments before the August 4th deadline.

25 The DEIS, from my perspective, grossly mischaracterizes

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1 the Region of Influence. The El Paso/Juarez metropolis is one of
 2 the largest on the north American continent. The Ft. Bliss
 3 cantonment area is in the heart of El Paso, Texas, and Ft. Bliss
 4 Texas/New Mexico already has subdivisions along two of its
 5 boundaries. Therefore, McGregor Range can be considered to be in
 6 suburbia.

7 Southern New Mexico and west Texas is one of the fastest
 8 growing areas of the United States, and has severe potable water
 9 supply problems. Since Texas has no snow and perhaps no
 10 mountains, the Sacramento and Guadalupe Mountains of New Mexico
 11 are a recreational and tourist Mecca for Texans.

12 This and the long history of public opposition to the
 13 military takeover and use of McGregor rangelands is not included
 14 in this DEIS and should be.

15 The DEIS makes an excellent case for the use of existing
 16 ranges at White Sands Missile Range and Melrose. But the
 17 references to the small "x" target on McGregor as a bombing range
 18 rather than the small target range that it is, further thwarts
 19 public efforts and congressional intent that McGregor be returned
 20 to full public access by the year 2001, as is set out in public
 21 law 99-606.

22 The DEIS makes an excellent case for the use of WSMR and
 23 Melrose, for these reasons. They have existing infrastructure
 24 roads, fire fighting capabilities which the McGregor options do
 25 not. They have established clean-up procedures, which the

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1 McGregor options do not. They are under utilized. The two
 2 existing bombing ranges are not used from Friday through Sunday.
 3 There is existing citizen and local elected official support for
 4 White Sands Missile Range and for Cannon Air Force Base.

5 No new acres would be removed from public access and
 6 multiple use including hunting, camping, hiking, grazing; and
 7 grazing would continue on McGregor unmolested. Hunting areas both
 8 the public and the DOD personnel only hunting areas would not be
 9 compromised. No endangered species would be impacted, and soil,
 10 biologic resources, et cetera would be minimally affected.

11 The wilderness values of Otero Mesa would be preserved.
 12 I received a telephone call from Korea, from a U.S. airman who
 13 trained at Holloman Air Force Base, telling me that Otero Mesa
 14 grasslands were the only place he and other pilots could find in
 15 this area where they could find peace and quiet away from the
 16 noise and stress of flight training.

17 The obvious turfing issues between TRADOC, Air Combat
 18 Command and Technical and Evaluation Command would be avoided
 19 and/or minimized with the use of existing ranges option. I heard
 20 recently that TRADOC planners have planned a tank training area on
 21 the Tularosa Basin portion of McGregor, as part of their
 22 in-progress master plan. This is an example to which I spoke.
 23 Federal Law 99-606 already provides for the clean-up and return of
 24 McGregor to full BLM management by year 2001, less than four years
 25 from now. This is an eagerly awaited event, for historic and post-

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1 cold war symbolic reasons.

2 There should be some changes made to the Draft EIS to
 3 eliminate misrepresentations, sarcasm, and threats, perceived or
 4 real. For example under existing federal laws Wilderness Study
 5 Areas must be managed as Wilderness. Statement on who recommends
 6 or does not recommend permanent designation by congress are not
 7 appropriate in this document. The statements regarding grazing
 8 management practices on Otero Mesa are spiteful and should be
 9 eliminated.

10 The repeated statement, quote, "If the action is not
 11 implemented airspace utilization would be modified for this area",
 12 unquote, leaves the impression to the reader that low level
 13 overflights and noise will occur no matter what anyone says. This
 14 can be perceived as a threat, intended or not. Noise. According
 15 to the final EA on the proposed airspace modifications, Tornado
 16 jets create up to 120 decibels of noise. That is about at the
 17 level for annoyance. The use of averages and number of sorties is
 18 misleading. Each sortie can have ten or more passes over a single
 19 point and 120 decibels is harmful.

20 Finally, I ask a question: who would manage the ranges,
 21 clean-up, grooming, fire fighting, et cetera? Ft. Bliss has
 22 minimal to no fire fighting capacity on McGregor. Ft. Bliss has
 23 no experience in clean-up or grooming. It does not clean up its
 24 existing launch impact areas. The US Air Force is sponsor but
 25 appears to have no other responsibility. Is this a land grab by

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1 the US and German Air Force?

2 The WSMR Melrose option would remove these questions.

3 Thank you.

4 (Applause.)

5 JUDGE HEUPEL: Thank you. After Mr. Rauch would be Jim
6 Cooty, I believe.

7 MR. RAUCH: George Rauch. My comments, again, I'm
8 against bringing the German Air Force or any foreign Air Force in
9 the United States for training. And if they do this, I think they
10 could use the facilities that are already tore up, put it out on
11 White Sands Missile Range and not add any new ones to it. As far
12 as taking all vegetation off, I don't think you realize what that
13 will do to this country, even if it's not a big area. It expands
14 itself.

15 I don't believe that impact statement is addressing at
16 all the impacts, Underground Water, we're just moving too many
17 people in here that would create that much more demand on it. Now
18 as far as these people being here and not doing this and not doing
19 that I can tell you from personal experience, they're already
20 flying right square over you. They did me. I've got proof from a
21 U.S. government topographic map. The hill that they had to fly
22 over, after they flew over me, they had to go up over it and this
23 hill shows to be 50 foot higher than where I was. They had to go
24 up over it, that airplane has to go over that hill.

25 Not only that, but I was driving a bunch of horses

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1 along, making a lot of dust and I guess this attracted their
2 attention and they diverted their aircraft to come over me. I saw
3 it, I saw the plane turn and come right square over me, and over
4 this 50 foot hill. I don't know much about decibels but when they
5 done that, it was damn loud.

6 (Applause.)

7 JUDGE HEUPEL: Thank you, sir. After Mr. Cooty will be
8 Michael Dalby.

9 MR. COOTY: Jim Cooty, Alamogordo, New Mexico. I'm
10 president of Otero County Cattlegrowers Association and a member
11 of the board of directors of the New Mexico Cattlegrowers
12 Association. And we basically all have taken a stand on this
13 subject, which is very much against expanding the process that's
14 being done at the present time. We don't certainly have any
15 disagreement with Holloman and its current operation, but we do
16 have a problem when it starts impacting us, whenever you start
17 changing the routes and the number of flights and the things that
18 are going to be occurring.

19 We value one thing in the country and we considered this
20 whenever we moved out here years ago. Some of us were born to
21 this, and that's the serenity of the situation. But whenever we
22 chose that, we gave up certain things, but we knew what they were.
23 At the present time we get mail approximately once every two
24 weeks. That's when we come to town. We travel 170 miles to
25 Alamogordo about every two weeks to get groceries, supplies, et

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1 cetera.
 2 Those of us out there in that area that have children in
 3 school and that doesn't include Bob Jones, they moved to
 4 Alamogordo, usually the wife moves to Alamogordo, the husband
 5 stays there, runs the ranch and then on the weekend they return
 6 back to the ranch. So we've given up all these things, but we
 7 knew what we were giving up when we traded. And that's what we
 8 traded for. And the people here in Alamogordo, due to some
 9 circumstances, either economic or whatever, but you live here in
 10 town. We don't begrudge you that, we don't begrudge it to you
 11 whatsoever. And sometimes we wish we were here.

12 But you're still our neighbors and you always will be.
 13 We traded off all these, knowing, like I say, what we were trading
 14 off for.

15 Now lets get into the altitude of the aircraft. I
 16 attended a meeting in Alpine and there's a map here within this
 17 room that over the southern part of New Mexico, from Holloman Air
 18 Force Base, going out, the flight is 100 foot. That's the weather
 19 lock. In west Texas, it goes on down to Alpine, it's got a circle
 20 down there, almost all of that has been increased to 500 foot to
 21 1,000 foot. I don't know if they think that west Texans are more
 22 sensitive than we are. I guess they must.

23 An additional thing is the windmills. When you talk
 24 about planes coming over at 100 foot, I measured one of our
 25 windmills out there and it's 42 foot from the top of the sail to

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1 the ground. Now your mathematicians can figure that for you real
 2 quick to see what that is. When we get to talking about planes
 3 flying 500 to 550 miles an hour, the wave wash coming off of that
 4 is horrendous. If you don't believe it, go out here and stand on
 5 the highway and let a semi come by you at 60 miles an hour. And
 6 then take and multiply that out and see what happens. You know
 7 what's going to happen. If we're up on that windmill tower, I
 8 guarantee you it's going to blow us off. It will also separate
 9 the sails off of it, it'll damage the property, there's no
 10 question about it.

11 In addition, I guess we're lucky. Our cattle and sheep
 12 in some situations, aren't subjected to a great deal of noise,
 13 outside of the times that we cuss them. And they are at that
 14 time. But the decibel level is not anything near what you
 15 proposed. And what's going to happen and absolutely, I can
 16 guarantee it's going to happen and I think you all are hearing it
 17 in this hearing, but I don't know whether those that are going to
 18 be making the decision can hear it. They are going to run those
 19 cattle right over a fence. I guarantee it. I've seen it occur,
 20 they're going to run horses over it, and I guarantee you that it
 21 may come up here, if we're out horseback and they come up over one
 22 of those hills on top of you, we may not be able to stay on there,
 23 either.

24 It wasn't too long ago, it's been about three years ago,
 25 in which we were out on some cattle on one of the mesas and that

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1 did occur to us and I can't tell you the speed or the altitude.
 2 It was close, that's the only thing I can tell you. And after we
 3 settled the horses down and picked up the cattle, I'm going to sum
 4 it up here real quick, finished collecting the cattle and so
 5 forth, we were very much in disarray, to say the least.

6 I have right here, we've all talked about the decibel
 7 level. I have a device here which I'd like to show you what 80
 8 decibel level is. May I -- I'd like to get away from the
 9 microphone. This is 80 decibel level. As far as I know, he will
 10 create, when he comes over the top of you, a level that is half
 11 again bigger than that, louder than that and it's more than that.

12 That's what we're going to be subjected to. I'll sum it
 13 up and I'm going to get out of your way. What I'd like to say to
 14 the people here in Alamogordo and I think there are a lot of you
 15 here, we're not big in numbers out where we are, we're becoming
 16 more limited with each passing day. And all of you in this room
 17 that are not currently in agriculture, still have a heritage of
 18 our lifestyle. Either your father, grandfather, great
 19 grandfather, mother, grandmother or great grandmother were in
 20 agriculture and when you discuss or write them on this issue,
 21 remember them and that you're expressing yourself to them through
 22 us because that's where we are now. Thank you.

(APPLAUSE.)

23 JUDGE HEUPEL: Thank you. After Mr. Dalby will be Mr.
 24 Hornback.
 25

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1 MR. DALBY: Thank you. My name is Michael Dalby, I'm the
 2 executive director of the Alamogordo Chamber of Commerce and also
 3 director of the Otero County Economic Development Council.

4 In 1998, Alamogordo will be celebrating its centennial.
 5 Roughly the first 50 years of Alamogordo's existence has been
 6 dominated by ranching, dry-land farming and the lumber industry.
 7 Since that time, many of those industries have died out and the
 8 second 50 years of Alamogordo's existence --

9 A VOICE: (Interrupting the speaker)

10 MR. DALBY: Please. You know, it's really interesting,
 11 everybody over here has given a lot of respect to the comments
 12 that have been made.

13 The economy of this area and has been for the last 50
 14 years relied on the military. There's no doubt in the numbers
 15 that you look at, how those numbers operate in this area. We
 16 certainly don't want to lose an entire economy of an area.

17 Certainly Alamogordo and Otero County current economies are
 18 closely tied to the military. Much of the history has included a
 19 side by side training with foreign forces. In fact, many of you
 20 know that Holloman Air Force Base originally came into existence
 21 as a training base for the British Royal Air Force pilots. Our
 22 experience during Desert Storm proves how critical the value was.

23 The coalition forces training and operating together.

24 One of the gentlemen said that the Germans did not fly
 25 side-by-side with the Americans; however since that time, we've

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1 had significant operations together. When an agreement was made
 2 to allow the German Air Force to increase training, they were
 3 already training in the United States, since 1957. To do
 4 increased training, many communities sought to host the German Air
 5 Force, primarily because of two major factors, economic
 6 development and base insurance policy.

7 Nothing says that Holloman Air Force Base must continue
 8 and won't be closed or cut back. Very few would argue that
 9 Holloman Air Force Base means a great deal to our economy.

10 However, we've recently closed the Taiwanese training operation,
 11 and we recently lost the First Space Warning operations. Both of
 12 those losses, lost nearly 300 total jobs. In fact, Holloman's
 13 parent command, Air Combat Command, had flat-lined its
 14 construction budget for the next fiscal year. Which means if
 15 we're relying on the Air Force to continue to provide economy for
 16 Alamogordo and the area around us, we'd be cut back.

17 In fact Shepard Air Force Base in Wichita Falls, Texas
 18 is a host to a Euro-NATO operation; they see that operation as a
 19 major insurance policy to their basic existence. The German Air
 20 Force operations here have already been contributing \$7 million
 21 annually to the economy and millions more in construction and
 22 jobs.

23 I notice that one very important statistic is being left
 24 out of this discussion and that's the percentage of 7.6%, that's
 25 the current unemployment rate of Otero County. One person said

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1 100 jobs don't mean a whole lot. It means a heck of a lot if you
 2 don't have a job. That's the current unemployment rate, it stands
 3 above the national average of 5.3% and above the New Mexico
 4 average of 7%. When you add that rate to the numbers of people
 5 who are under-employed, people who have a job but make a wage
 6 below that needed to take care of their family, the number of
 7 people looking for Otero County jobs is significant.

8 The economic impact is critical, constructing a bombing
 9 range on McGregor Range is more than a German Issue. I's a key
 10 component in Holloman's future goal to attract and keep missions
 11 and goes far to increase the value of the defense triangle formed
 12 by Holloman, White Sands Missile Range and Ft. Bliss, Texas.
 13 Holloman Air Force Base gets its own dedicated bombing range which
 14 will be used by the F-117A Stealth Fighters and will be an
 15 available resource for future missions. The German Air Force
 16 invests an estimated \$100 million in construction there on the
 17 base alone, and a total local expenditures are expected to grow to
 18 \$18 million annually. That goes very far toward paying taxes in
 19 this area. White Sands Missile Range has less interference on its
 20 test and evaluation missions and realize that 13% of the people
 21 who work on White Sands Missile Range actually live in Otero
 22 County.

23 I think it's important to note that construction of the
 24 bombing range does not involve the, quote, "taking of land" it
 25 sits on land already set aside since 1957 for military training.

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1 In fact the majority of flight routes that are proposed have
2 already been approved and have been flown before by U.S. and other
3 Forces.

4 The BLM likes to use the term multiple use, meaning
5 ranchers, recreation users and others who have access to the land.
6 They already have that right now on McGregor Range. BLM already
7 auctions the grazing leases on the range. I think there's a very
8 few, if any of them are actually currently held by New Mexico
9 ranchers, I think that's unfortunate. Hunters are still able to
10 go out on the range for annual hunts and recreational users can go
11 out and camp on the range. People can hike on the range. There
12 are other times when they can have access to the range when
13 training is not taking place. This all happens right now and will
14 continue even if a target complex is constructed.

15 I want to get back to the issue of Otero County jobs and
16 the economy. The economic impact of Holloman Air Force Base,
17 White Sands Missile Range and even the McGregor Range is enormous.
18 Workers at Holloman, White Sands, even there are workers on
19 McGregor Range who are Otero County residents and I think the key
20 is Otero County. They live at Alamogordo, Tularosa, High Rolls,
21 Mountain Park, Cloudcroft and other areas. In fact, in every part
22 of the county. Thank you. I'll just wrap up here for a moment.

23 In fact, very few individuals, even civilians are not
24 impacted by Holloman's contribution to our economy, even the
25 availability of services, both public, commercial, retail and even

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1 the value of our homes are greatly impacted by military economy.
2 The key issue is taking care of our economy while maintaining the
3 integrity of Otero County. One issue that has been raised in this
4 discussion is something called custom and cultures, the essence of
5 what makes Otero County what it is.

6 While it is true for many years, the custom and culture
7 of Otero County was dominated by ranching and dry-land farming,
8 it's clear that now we are very closely linked with the Department
9 of Defense. As an economic development professional, I'd love to
10 diversify Otero County's economy and attract more commercial
11 manufacturing jobs. And while I will continue and many people in
12 this county will continue to work hard on that effort, we don't
13 want to neglect our military economy, it's what makes Otero County
14 what it is today and what it will be for the foreseeable future.

15 Thank you very much.

16 JUDGE HEUPEL: Thank you. After Mr. Hornback will be Les
17 Renderknecht.

18 MR. HORNBACK: My name is Floyd Hornback, Alamogordo.

19 Having previously read this constructive notice into the record
20 last night, I will only paraphrase, and read some of the shortened
21 definitions. All elected, appointed and people in offices to
22 serve the public, have sworn an oath of office to support and
23 defend the Constitution and the laws of this State and these
24 United States.

25 While swearing to your oath is a violation of the

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1 Constitution of these United States, Article 20, Section 1 of the
 2 Constitution of the State of New Mexico and constitutes perjury,
 3 this perjury is a violation of Title 18, United States Code,
 4 Section 1621. Title 42 of the United States Code Annotated,
 5 Section 1896 Action for neglect to prevent. Every person having
 6 knowledge that any of the wrongs conspired to be done, and having
 7 power to prevent or aid in preventing the commission of the same,
 8 neglects or refuses to do so, shall be liable to the party
 9 injured, for all damages caused by such wrongful act. If two or
 10 more persons conspire for the purpose of impeding, hindering,
 11 obstructing or defeating in any manner, the due course of justice
 12 in any State or Territory, with intent to deny to any citizen the
 13 equal protection of the laws or to injure him or his property for
 14 lawfully enforcing or attempting to enforce the right of any
 15 person or class of persons, to the equal protection of the laws.

16 Title 42, United States Code Annotated, Section 1983,
 17 Deprivation of Rights. Every person who, under color of any
 18 statute, causes to be subjected, any citizen of the United States,
 19 thereof to the deprivation of any rights, privileges or immunities
 20 secured by the Constitution and laws, shall be liable to the party
 21 injured in an action at law, suit in equity, or other proper
 22 proceedings for redress.

23 You are hereby, and it includes any officers of the
 24 Court, any public official present, you are hereby noticed
 25 pursuant to Title 42, United States Code Annotated, Section 1986

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1 for knowledge of the law, as to your high standards of the law and
 2 as witness that any neglect to prevent constitutional wrongs from
 3 injuring these citizens, that if such neglect proximately causes
 4 damage, it will give rise to an action in tort.

5 Under Title 42, USCA Section 872, extortions by officers
 6 or employees of the United States. Whoever being an officer or
 7 employee of the United States or any department or agency thereof,
 8 representing himself to be or assuming to act as such, commits or
 9 attempts an act of extortion shall be fined under this title and
 10 or imprisoned.

11 Now, definitions: Air rights: The right to use all or a
 12 portion of the airspace above real estate. Such right is vested
 13 by grant, fee simple, lease or other conveyance. While commercial
 14 airlines do have a right to fly over ones land, if such flight
 15 paths interfere with the owner's use of such land the owner is
 16 entitled to recover the extent of actual damages suffered by him.
 17 This includes all property owners.

18 Trespass: An unlawful interference with one's person,
 19 property or rights. Criminal trespass is entering by one who
 20 knows he is not authorized or privileged to do so. The kicker:
 21 Intrusions upon, beneath and above surface of land. As stated in
 22 subsection 2, trespass may be committed on, beneath or above
 23 surfaces of the earth, flight by aircraft in space above the land
 24 of another is trespass, if it enters into the immediate reaches of
 25 the airspace next to the land, and it interferes substantially

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1 with the other's use and enjoyment of his land.

2 Any person or persons having knowledge of these facts
3 and who has fiduciary duty to act in a reasonable manner to either
4 prevent or correct the wrongs taking place, having the power to
5 prevent or aide to prevent the commission of same shall be liable
6 to the plaintiff or his legal representatives for any and all
7 damages caused by such.

8 And looking at the environmental impact statement, it
9 has problems, it has misinformation, it has disinformation, it
10 uses information slanted toward the desire and benefits as the
11 needs of the German Air Force, in total disregard to the American
12 people. If the draft environmental impact statement was compiled
13 with affirmation of oath and under penalty of perjury, there
14 would be a tremendous paper savings on this.

15 I stand in full support of the no action alternative and
16 in full opposition to having any armed, foreign military force,
17 housed on American soil, especially New Mexico, especially of any
18 military sworn to uphold the U.N. charter.

19 Thank you, sir.

20 (Applause).

21 JUDGE HEUPEL: Thank you, sir. Let's take a short break
22 at this time.

23 (Recess taken.)

24 JUDGE HEUPEL: Mr. Renderknecht had to leave and so he
25 will not be speaking. The next speaker that I'll be calling up

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1 will be Linda Rundell as I indicated before and let me go ahead
2 and come up with a speaker after her. And that would be Maude
3 Rathgeber. If I could have everybody's attention so that we could
4 hear from Ms. Rundell, please.

5 MS. RUNDELL: My name is Linda Rundell, I'm the District
6 Manager for the Bureau of Land Management in Las Cruces.

7 I'd like to state for the record that I am not the BLM
8 employee who ruined Tim Jennings' pickup truck.

9 The BLM has stated on numerous occasions in the last 18
10 months, we do not favor the development of a new bombing range on
11 withdrawn public lands on the Otero Mesa portion of McGregor
12 Range. To do so when other feasible alternatives exist would be
13 environmentally irresponsible. We believe there are opportunities
14 to make significant additional use of the existing bombing range
15 on White Sands Missile Range. Red Rio and Oscura could be more
16 fully utilized if the Air Forces would train on weekends and not
17 limit themselves to training only during week days.

18 However, the opportunity to make more full use of the
19 existing ranges by incorporating these issues was not covered in
20 the draft EIS. We do not feel the rationale that the Air Force
21 does not want to work on weekends is sufficient justification for
22 not exploring this opportunity. We would like to see the omission
23 of this opportunity corrected in the final EIS. If additional
24 utilization of the Red Rio and Oscura ranges does not fully meet
25 Holloman Air Force agency needs, the BLM urges you to look at the

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1 Tularosa Basin alternative as the location for this proposed
2 bombing range.

3 This site has already been impacted in the past by
4 military ordnance and the environmental impacts are much less than
5 would occur on the Otero Mesa and mountains next to the site. The
6 argument that it would be too costly to clean up unexploded
7 ordnance in the Tularosa Basin falls into the category of pay me
8 now or pay me later.

9 In 1986, the Congress of the United States directed the
10 U.S. Army in public law 99.606, to clean up the Tularosa Basin.
11 To date, nothing has occurred to comply with the law. To suggest
12 that another area be contaminated because it is too costly to
13 decontaminate the Tularosa Basin site is simply unjust.

14 In the draft EIS, you state that Otero Mesa south of
15 highway 506 would be closed 60 hours per week due to the Otero
16 Mesa proposal. In a 5-day work week, this would be 12 hours a
17 day. Which 12 hours of the day do you want? Certainly you want
18 the same 12 hours of daylight that public land users want.

19 You also have not addressed this closure as being in
20 addition to the closures already imposed by Ft. Bliss. This
21 effectively amounts to a total closure to anyone but military
22 personnel during the week days.

23 The issue of access under the Otero Mesa alternative is
24 cavalierly dismissed. On page 4-39, it is stated that the fact
25 that access would prevent various uses from occurring during the

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1 closure period would be inconvenient. Since we perceive that we
2 can use Red Rio and Oscura, was not addressed because it would be
3 inconvenient, we infer that it is preferable to inconvenience
4 ranchers, sportsmen and the general public.

5 We strongly disagree that the stated noise level over
6 the Cope Canyon Wilderness State area are compatible with
7 wilderness management. And question how this statement could have
8 been made. Low level flights are hardly compatible with the
9 feeling of solitude that is expected in a wilderness study area.
10 We are concerned that impact to endangered and sensitive species
11 are not fully assessed and view this as a serious deficiency in
12 the analysis. The BLM is currently funding a five-year study to
13 assess the impact of livestock grazing on alpomado falcon habitat.
14 It seems reasonable to assume that low level flight and bombing
15 score keys would have a disturbing effect on these endangered
16 species.

17 We did not find evidence in the draft EIS that the
18 required consultation with the United States Fish and Wildlife
19 Service had taken place.

20 Let me close by saying the BLM is not opposed to the
21 beddown of the additional Tornados in Alamogordo if the social and
22 environmental concerns can be addressed. We do believe that there
23 are significant social considerations which have not been assessed
24 and I would like to repeat that we believe there are at least two
25 feasible alternatives which should be looked at much more closely

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1 than the Otero Mesa proposal.

2 (APPLAUSE.)

3 JUDGE HEUPEL: Thank you. After Maude Rathgeber would be
4 D D Oliver.

5 MS. RATHGEER: Thank you very much, sir and we
6 appreciate your presentation here this afternoon and this morning.
7 I think a lot of vocal audience has been demonstrated and I think
8 you have heard their comments. I would like to thank Senator Tim
9 Jennings for coming over today; I think he has now left the
10 building. We appreciate his comments. I'd like to thank Mayor
11 Don Carroll also for his comments and the City's recommendation
12 for the alternative, the McGregor Range. I would like to mention
13 that we have Representative Gloria Vaughn in the room. Gloria
14 Vaughn represents District 51 from Otero County in the New Mexico
15 legislature.

16 This past week I talked with both our representatives,
17 Terry Marquardt who represents part of this county in Santa Fe and
18 I've talked with our senator, Diane Duran. They both had to be
19 out of town today for professional meetings and they expressed
20 their concerns, they could not be here. They did want to be
21 represented by this mention.

22 Taking up on what was presented from our Otero County
23 Commission, this is the point I would like to make and I will be
24 brief. Our county people, our county commissioners all across the
25 United States are elected to represent their counties. They are

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1 the main people who represent and serve all of the citizens in the
2 county. They are the people for whom every person registered in
3 that county can vote. In the process that would occur, presented
4 earlier, in this process of the EIS, our county was not brought to
5 the table or brought into the room, as they had requested. Our
6 county, Otero County, is the second largest county in the State of
7 New Mexico and almost half of our people live in the county area,
8 not in the City of Alamogordo or incorporated areas.

9 My point is because our county commission was not a part
10 of this process, through whom citizens out in the rural areas
11 could speak, I feel that a number of our people were
12 disenfranchised in this process and I believe that is why you feel
13 tension in this room from so many of the folks who live in
14 the rural areas. It is regrettable that our commissioners are not
15 here today. But they are out of the county on business, county
16 business, wherever they are. I talked with all of them.

17 When the EIS report came out recently, and I saw the
18 item in the paper for these meetings, I called two of my county
19 commissioners to discuss this with them and to see if I could see
20 the EIS report. They both told me, we have not seen it, we didn't
21 even know the process is completed into the hearing process. I
22 think that's important that this message be taken back to all of
23 you folks, the county commissioners must be included.

24 (Applause.)

25 Being a student of history most of my life and I am a

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1 native of Alamogordo, my grandfather homesteaded the very piece of
 2 property where the gate of Holloman now is, many years ago. And
 3 until a few years ago when that area was cleared off, some of his
 4 so-called improvements still remained right there near that gate
 5 site. My family has been here very long. We have seen over the
 6 years, the ongoing process between the military and the citizens
 7 of Alamogordo and this county. It has been rough sometimes but by
 8 and large, most of those problems that have existed have been
 9 resolved, to the benefit of everyone possibly who would be
 10 involved.

11 But as a student of history, let me remind us, and I
 12 think most of our people here realize this, that the Tenth
 13 Amendment of the Constitution provides that whatever is not
 14 written in the Constitution is delegated to the states and there
 15 is another part that's there, and to the people. Again I make the
 16 point that many of our county people were not brought into this
 17 process.

18 Also the mission statement or the preamble of our
 19 Constitution, one of the reasons for our establishment as a
 20 Constitution and as a nation, is that we provide for the common
 21 defense. Are we really, really, really thinking about the common
 22 defense of our nation, the United States, in this discussion at
 23 this time. Thank you very much.

24 (APPLAUSE.)

25 JUDGE HEUPEL: Thank you, ma'am. After Mr. Oliver will

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1 be Tom Reeves.

2 MR. OLIVER: Colonel, I'm D D Oliver, and I also was born
 3 and raised in this county and this valley out here that we've been
 4 talking about. In fact, we ranched directly between Holloman Air
 5 Force Base and White Sands Missile Range so we are very
 6 knowledgeable about what goes on with Holloman and White Sands.

7 What I'd like to talk about more than anything else is
 8 truth because any time you're dealing with government agencies,
 9 the question of truth comes along. We, my wife and I sat at the
 10 coffee table many, many mornings as we were right in the flight
 11 path of the aircraft heading off from Holloman Air Force Base. A
 12 lot of times we'd have to stop our conversations because we
 13 couldn't hear each other. And my wife would always say, don't say
 14 anything, they're our aircraft. I wonder what the people that live
 15 out there now are going to say when they're German aircraft.

16 I fought in two wars. The first war was World War II
 17 where I was wounded on Okinawa. The second war was the war we
 18 fought against the federal government in the taking of the White
 19 Sands Missile Range. We were the enemy. There was very little
 20 truth in that. All of that was in the name of National Defense.
 21 Where's national defense now? We don't have it any more. We are
 22 a world organization. I think in your environmental impact
 23 statement you ought to mention the word truth, because I see very
 24 little truth in any government agency that comes out, coming out
 25 of the statement. Take this spotted owl and goose hawk and this,

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1 that and the other, we know good and well that the truth aren't in
2 those things.

3 So, I don't know. It really hurts me deeply, deeply, to
4 see what's going on with the military in this area, because we've
5 been here forever. I think truth, truth, where is the truth in
6 our government? Where is the truth in our military, where is the
7 truth in our environmental areas? Sir, I'm totally against
8 what's going on right now. Not only in this area, but what our
9 nation and the situation we're getting into. I appreciate your
10 time in letting me say a few words.

11 (Applause.)

12 JUDGE HUEPEL: Thank you, sir. After Mr. Reeves will be
13 Alton Posey.

14 MR. REEVES: Thank you. I'm Tom Reeves, Alamogordo or
15 Otero County. I would like to say that my wife and I probably have
16 the oldest history of anyone in this building as far as being
17 Americans, my wife being a Native American and the Reeves family
18 having come from a debtors prison in England in the early 1600's.
19 I have seven great, great uncles who died fighting in the Civil
20 War for the Illinois troops, Militia.

21 It makes just about as much sense to me to say that the
22 Germans shouldn't be here because of World War II as it does to
23 say South Carolina shouldn't be assigned to the Great Lakes Naval
24 Base because in both cases, it's the same principle, as far as I'm
25 concerned. In fact, I think a larger percentage of my German

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1 friends would admit that World War II was a mistake, just as some
2 people would, in the south, admit that the Civil War was a
3 mistake.

4 I, too, am a farmer and rancher. In fact, our Oklahoma
5 farm is one of the oldest, if not the oldest, that has been in the
6 same family and farmed longer by the same family than any other in
7 the State. It's ten miles west of Altus Air Force Base. They've
8 got to train three fighters there, they fly low and I bet they
9 make as much noise as the Tornado. They're near cattle and we made
10 37,000 bushels of wheat this year, so it didn't hurt the wheat
11 crop any.

12 Alamogordo would be nothing more than a little Carrizozo
13 type town without Holloman Air Force Base. You wouldn't have the
14 choice of doctors, you wouldn't have the Flickinger Center, you
15 wouldn't have other facilities. This would be just a small desert
16 town without having Holloman's presence here. If Intel were going
17 to increase its operations by 10%, and they were located here,
18 we'd probably all go out and have a party. I think we should do
19 the same with Holloman trying to expand because the Pentagon
20 attitude toward compacting military operations, if we don't
21 expand, we may lose all.

22 I have had the privilege of flying in a helicopter on a
23 bombing run in Red Rio. The most impressive sight I saw was as we
24 came out of the run, looked up, and across the ridge baldy were
25 all kinds of animals. I was told there was more than 100 in that

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1 herd. They didn't move until we got right up on them, they didn't
 2 seem to be bothered too much by our presence, they didn't run to
 3 make way for the helicopter, they didn't for a long time. I am
 4 told by people who should know that the White Sands Missile Range
 5 is one of the most naturally preserved, or the largest naturally
 6 preserved area in the United States. And I would expect the Air
 7 Force to be at least as good as the Army. Because of those
 8 reasons and because of the economic impact on this community, I
 9 would like to support the building of the bombing range for
 10 Holloman Air Force Base, it needs its own place.

11 JUDGE HEUPEL: Thank you. After Mr. Posey, will be R.C.
 12 Posey.

13 MR. POSEY: My name is Alton Posey. I was born about 12
 14 miles up the road about 65 years ago on the 16th of May, 1932. I
 15 joined the Army right here in Alamogordo. I think I did my share,
 16 I got three Purple Hearts. I didn't come up here to brag on me.

17 I want to make a point, hey, who comes first, me or this
 18 guy that flew in from Germany yesterday?

19 (Applause.)

20 I want to reemphasize a question that Mr. Lewis asked
 21 while ago, where does this end? Are you going to take the whole
 22 state? You see, my little wife and I, we worked for many years
 23 for our retirement. And we could have went any place we wanted
 24 to, any place in the 50 states but we chose the place where we
 25 grew up, right up near Sacramento, New Mexico, here, last

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1 inhabited house going up the canyon. Raised a few calves for us
 2 and the kids, have some horses and riding. Even if my wife can't
 3 ride that horse at all, she's had back trouble. That's the
 4 gentlest old horse in the world, but when a jet comes over,
 5 rattling the tree tops, she'd be on the ground. She's being
 6 denied, I think, her right as a citizen.

7 Some three or four months ago, we were sitting there in
 8 the little house we spent half our life's savings building, and I
 9 heard a jet come over, broke the sound barrier, broke two windows,
 10 cracked the fireplace to hell. We put a lot of heart into that.
 11 And if old Jimmy Goss gets drunk again and runs through my fence,
 12 but anyhow, he'd be dead if he did. But let me tell you he'd be
 13 up there the next morning to repair the damage to my property. I
 14 wouldn't have had to ask or go through 14 people like the Air
 15 Force. I call and complain, you know, when I walk out on the
 16 front porch and I look over here and see these jets going by and I
 17 can see half of that mountain right there in front of my house
 18 above that airplane, he's too damn low, period.

19 I know about low flying planes, I had them over me, they
 20 saved my butt a thousand times in Korea. We need that.

21 Our budget says we've got to cut back on the military
 22 budget. If we do that, how come we can afford to bring in
 23 somebody from Germany and help them out, how could -- and then,
 24 too, a man earlier mentioned, you go out here to the base, get
 25 medical treatment, you don't get any, because it's being taken up

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1 by other people. Hey, this ain't right. You know it's not right,
2 I know it's not right. It's economics, that's what.

3 It's because, naturally, the Mayor, some guy that works
4 for the Chamber of Commerce, sure bring more people into town, it
5 will help the businesses here. But what about the people that
6 have been here forever, like my grandpa built the old white two
7 story house and the big red barn up there that we call Cloud
8 Country now, almost 100 years ago. Somebody said, let's give them
9 some consideration.

10 I'm going to shut up and sit down. I'm not a speaker
11 like some of the people that have been up here this morning. But I
12 feel pretty strongly about this and I'll tell you, there's a lot
13 of people that are not here because they are afraid of the
14 government. They say you get your name on the list and you'll end
15 up being Ruby Ridge No. 2.

16 We shouldn't have to be afraid of our government. I'm
17 not afraid of them, I'll fight them until hell freezes over.
18 Whoever takes away from what me and that little woman worked for
19 so many years for. Thank you.

20 JUDGE HEUPEL: Thank you. After the second Mr. Posey
21 finishes, it will be Don Lee.

22 MR. POSEY: Alton and I are cousins, I hate to admit it a
23 lot of times, but anyway our grandparents came here from Texas in
24 1887. Also had two other ancestors that came here in the 1880's
25 and settled in the mountains. I don't know about Bob Jones, but I

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1 do know about Maude. She was born in Alamogordo and I was born in
2 Alamogordo, too, and was raised in the mountains up here. In
3 fact, I'm living on the little farm my parents bought in 1935.
4 But I couldn't make a living there when I got to be out of high
5 school, and so I went on to school, to college and thought I
6 learned something, but I didn't learn much.

7 And so I worked for many years, the last 24 for the Air
8 Force. I was in what was called the Separate Operating Agency.
9 We did the operational testing for the Air Force, we did a lot of
10 testing on White Sands. And to me, I learned by working with a
11 lot of generals that each general has to have their own little
12 fiefdom. White Sands has to have theirs, Holloman has to have
13 theirs, Fort Bliss has to have theirs. There's very little
14 cooperation and I don't see why the Air Force and White Sands
15 cannot cooperate a little bit better and use that range. It was
16 mentioned before, if the pilots would fly on weekends, they could
17 use White Sands. They kept talking about the research and
18 development having priority. I have been in research, did testing
19 for many years and I understand what goes on out there. There
20 just needs to be more cooperation between the agencies, that's
21 all.

22 Also we talked about in the environmental impact
23 statement, you talked about these fly ways are already approved
24 for the cruise missiles. I happened to be on the operational
25 testing that tested that missile. It does not make near the

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1 noise, it doesn't go near as fast as the other airplanes, they
2 flew very seldom because it was a limited resource. Every time
3 they had it on the flight list, take a plane with it to make sure
4 it did what it was supposed to do.

5 There's no comparison between the falcon and a jet as
6 far as noise or anything else. Also, I want to take issue with
7 the man from Alamogordo that talked about we didn't have an
8 agricultural industry in this county any more. I think he needs to
9 check the records. Millions of dollars are poured into this
10 community from the agricultural community.

11 (Applause.)

12 One reason the logging industry is down is because of
13 some liberal judge and somebody said we've got a spotted owl out
14 there you've got to protect. It's not the people that want to
15 manage the forest, it's not the people that are making a living on
16 the forest, it's some liberal judge in another state that has
17 decreed that you can't cut.

18 Also we talked about the Germans being here, I'm just
19 wondering, how many taxes do they pay? I doubt they pay very
20 little except the gross receipts of the tax on their food that
21 they buy here. We also talked about endangered species, we're not
22 going to fly over endangered species. I think people are
23 endangered species, too.

24 (Applause.)

25 Also the stock these ranchers raise to support

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1 themselves are an endangered species. One thing most people don't
2 realize. We talked about decibels. I worked in noise for a long,
3 long time. I'm very familiar with it. We talked about average
4 decibels being 65 which is approximately an office building. What
5 most people don't realize, the noise level doubles every 6 db's.
6 So if you go from 65 db's that they say is the average noise
7 level, to 125 db's when one of these Tornados flying over, you
8 aren't just increasing it by a factor of 2, you're increasing it
9 by a factor of over 2,000.

10 (Applause.)

11 JUDGE HUEPEL: Thank you, sir. After Mr. Lee will be
12 Martha Cooky.

13 MR. LEE: My name is Don Lee and I'm a resident of .
14 Alamogordo and also a rancher. One thing I'd like to address and
15 I don't believe that it's addressed in the EIS, what the low
16 flying aircraft will do on the reproduction of livestock.

17 (Applause.)

18 JUDGE HUEPEL: Thank you, sir. And the last card I have
19 after Mrs. Cooty will be Tom Cooper. I believe that's the name.

20 MS. COOTY: My name is Martha Cooty and my mailing
21 address is Alamogordo, but I live on the back side of McGregor
22 Range on the Otero Mesa, so this is a very real part of my life.
23 First of all, I was born here in Alamogordo, that's always been a
24 very important part of my life and it still is. And Holloman is
25 important. And I support Holloman, it's been an important part of

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1 our community and our economy. I mean, I don't have any qualms
2 about saying I support Holloman Air Force Base. I do.

3 I have a couple of questions I'd like to submit, though.
4 As I say, I live back over there where these things are going to
5 be flying. And I'm concerned about safety, I'm concerned about
6 my safety, my family's safety, the safety of our property, the
7 safety of our livestock. I'm concerned about that.

8 I have a few questions I'd like to submit. Since these
9 Tornados are not American planes I question how mechanically safe
10 they are. Didn't they have a lot of incidences of ejecting in the
11 Gulf War and weren't they mechanical failures? Haven't they had a
12 lot of problems lately? Do they meet the same safety standards as
13 our American planes that are flying at Holloman?

14 Or anywhere in the country. What about their safety standards for
15 dropping their bombs? What if one of these accidentally dropped
16 his bomb on my house? I'm concerned about those things. How well
17 trained are their pilots and ground maintenance crews that will be
18 preparing these planes for their flight? So anyway, the overall
19 safety of these planes, the pilots and their flight is a real
20 concern to be because they're going to be flying over my house.

21 Another issue that I was kind of wondering about that I
22 guess maybe is incidental but I think it needs to be answered and
23 I guess maybe, Judge, you could answer this, I don't know. Will
24 these folks coming from Germany have political immunity, what if
25 we get a pilot so that he gets out and he comes over and he blows

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1 my house up, do I have any recourse, legally, to file criminal
2 charges, or what recourse do we have as far as criminal charges
3 for an individual that might be coming to live in our community?

4 Thank you.

5 (Applause.)

6 JUDGE HEUPEL: Thank you. Is Cooper correct?

7 MR. COOPER: Yes, sir. My name is Don Cooper, citizen of
8 Alamogordo and of New Mexico.

9 It's kind of hard to be almost the last guy you know,
10 because there's a lot of semantic problems. And a lot of stuff
11 relating to the fact that 300, this kind of thing, I can predate
12 that about 13 years. My family dates back to 1587 from the great
13 commonwealth of Virginia bearing the Cooper name and they were the
14 first citizens of that town.

15 This is my home now. By choice, not chance. I served
16 with honor and distinction from the U.S. Air Force out here at
17 Holloman Air Force Base, when this was Air Research and
18 Development Command. At that time they were messing around with a
19 few oddball things known as the B-1, B-2, the Corporal, the
20 Locklear, the G-1, G-2, all those other toys that the government
21 played with.

22 I think it is an abomination to the Constitution and to
23 the U.S. Air Force and to the military of this country to have to
24 work side-by-side, when they have been adversaries to this country
25 ever since the 1900's. They go back, when they tried to institute

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1 a deal between Mexico and the United States to prevent us from
2 getting involved in World War 1. And even predate that by the
3 revolutionary war when they fought on the side of Great Britain.

4 But let's bring you up to date to World War 11, we had
5 to fight them again. Now we're supposed to be good neighbors to
6 them. Well, if I have a neighbor like the Germans and had to
7 fight him every 10, 15, 20 years, I don't think I'd like to have
8 them as a neighbor.

9 Now, my complaint is with the Air Force, the American
10 Air Force. Do I like the idea of having to watch flag raising of a
11 foreign entity on the sacred grounds of Holloman Air Force Base.
12 That's why I'm out here, because I love the earth, I love those
13 people. I don't like the idea of having to share it with an
14 adversary that at some time or another, I'm sure that we will have
15 to take on once again.

16 Now, we've talked about people and their birth places
17 and everything else, it's kind of hard for me to remember when I
18 was being born because I was born in 1938. But the fact is that
19 we have a great country that's being ripped apart. We have a
20 great state being ripped apart. We have a great county, we have
21 beautiful -- and we want to save the bats and the buzzards and the
22 bugs and everything else, and yet, we don't address the simple
23 fact that the backbone of this area is the farmers and the
24 ranchers and they're taking the brunt of it. And it's not right.
25 You talk about the economy here, take a close look at

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1 Alamogordo. Look at all the big, empty buildings, look at the
2 number of businesses that have gone out of business. Norm Arnold,
3 TG&Y, that's been split up 19 different times. There's buildings
4 all over so I don't know where the people get the idea that the
5 influx of these Germans are going to have an impact on the economy
6 of the City of Alamogordo in coming years, because it hasn't, it
7 won't and never will. Because if they buy a big item, they don't
8 buy it here in Alamogordo. They usually wind up in Las Cruces or
9 El Paso or even go to Albuquerque.

10 I don't know, I guess that's about all I want to say.
11 Just the fact that I don't like the idea of having to cozy up with
12 somebody we've had war with three or four times. Because sooner
13 or later, we'll have to do it again. I can't understand why we
14 are expanding NATO when NATO was formed in the late 50's as a
15 deterrent for the eastern bloc countries. And now, we're inviting
16 those same people from the NATO program to expand. For what?

17 Now, you were talking about the United Nations Forces.
18 Now they don't refer to the United Nations Forces, they refer to
19 the NATO forces. Thank you.

20 JUDGE HEUPEL: Thank you, sir. That's all the cards that
21 I had turned in. Did anybody else turn in a card that I failed to
22 call? I don't see any of those. Is there anybody who did not
23 turn in a card who wants to make a comment at this point? Yes,
24 sir.

25 MR. CHRISTENSEN: My name is James Christensen, I wasn't

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1 going to talk too much, but here lately I've had a lot of time and
2 received the draft EIS in the mail and I haven't had a lot of time
3 to go over it like I should have. But anyway, there's a lot of
4 errors and stuff in it. You probably need to go back through the
5 draft and look over, I think Linda -- I work for the Bureau of
6 Land Management, and Linda covered pretty much all of our views.

7 My job out there is to keep the improvements and stuff
8 up on McGregor Range. There's lots of little errors in there that
9 I noticed, pipeline sizes, storage capacity sizes, it's probably
10 people just kind of overlooked it, but it makes a lot of

11 difference when you're trying to run it on the ground. I heard
12 several deals about the livestock numbers that will be released,
13 won't be affected, you know, 80 head or 60 head. It probably
14 won't make that much difference in a 2-mile by 4-mile square. But
15 the buffer zone around this thing is going to have an effect. And
16 I've had several people mention that they feel that that one
17 little bitty area ain't going to affect the whole picture there.

18 And it's going to do it. I haven't had any success, I
19 guess, explaining how much time it takes to deal with the pipeline
20 stuff. Half the people in this room right here, they can tell you
21 how much time they've got to spend on improvements on their
22 property. They're talking about the windmills, the pipelines, the
23 fences, all this stuff takes time.

24 And if you go in there and put that thing on the mesa up
25 there, then there's at least 100 section buffer zone around the

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1 deal. It's going to cut all access off to another about 50, 60
2 sections on south which will be outside and there won't be any
3 access into it. So all the water system and the improvements down
4 there are going to go downhill because we can only get in there
5 two days a week which will be Saturday and Sunday. And we're
6 willing to work on Saturday and Sunday if that's what it takes to
7 make this thing work out there. But it's still not enough time to
8 deal with improvements.

9 There's also little areas in there too, the birds
10 out there, it only addresses part of them that are out there. I
11 know one that we jumped on right away, is we see them all time,
12 the coyotes. They weren't even on the list of animals. There's
13 coyotes all over the place, and badgers and fox, lions. Quite a
14 few lions and I noticed they weren't even addressed in there. And
15 I'm sure that's just an oversight. That's my main concern we live
16 out there every day. I have two guys that work for me and you can
17 ask any rancher here how much time is involved on a deal like
18 that. I noticed it also says in there this will only affect areas
19 9 and 13. That's where the site is going to be kind of laid in
20 there. The one on the mesa there is going to be laid between the
21 two units there. But it says the same things about the effects in
22 unit 14 which will be inside the buffer zone 12, 11, 13, all these
23 other units are going to be affected. 9, 10 and 12, they all have
24 to gather into this one set of corrals that's right there.
25 There's no access for any of that in there. So it's going to

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1 affect more than just a few units that are addressed in there now.

2
3 It's going to affect 5 and 6 of the units. You go in
4 there and you start gathering these units and these guys only have
5 a few days to work their cattle in there. To gather these cattle
6 and bring them in the trail there, they're going to miss some.

7 They're trying to get trucks lined up to get these livestock off
8 the range. The way we've got it set up now, BLM, there's certain
9 times of the year we have to move the livestock. That's not going
10 to give these old boys enough time to get in and get out. We just
11 had a case last week where an old boy came in there and he thought
12 he could do it all in one day. When he left, we picked up several
13 babies that they left, because they were in a hurry, that was his
14 choice.

15 But when the bombing range goes in there, it won't be
16 their choice, they're going to have to go in there and grab them
17 and go and it's going to have a great impact on the livestock.
18 Thank you very much for your time.

(APPLAUSE.)

19 JUDGE HEUPEL: Thank you. Let me just say you noted that
20 you saw a lot of errors, and whether it be small errors or not, if
21 those errors are in part of the BLM submission, I would encourage
22 you to either send them in yourself or to make sure it's part of
23 the BLM submission because that's what the comment period is
24 about, is to receive all your comments, but particularly if there

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1 are errors or if there are things that we're not aware of or it's
2 been done wrong, to make sure it's brought to the attention, so
3 that we look at that and see what kind of differences those things
4 make. So I really encourage you to point those out if you would.

5 Ma'am, I believe you haven't spoken and you'd like to
6 speak?

7 MS. MERRITT: I'm a rancher and I run a small ranch by
8 myself.

9 JUDGE HEUPEL: And what's your name?

10 MS. MERRITT: My name is Margaret Merritt, from Pinon. I
11 have no copy nor did I see one. I have done several years of
12 ranching. 55 years ago, there was not much going on in the
13 Tularosa Basin except the train came up every day from El Paso to
14 Alamogordo. And over there on the Otero County allotment is where
15 we spent our honeymoon. I like my ranch, I plan to stay, planes
16 or no planes but I have one question: Has any of us thought, is
17 this what we want for our grandchildren? That's really all I have
18 to say.

19 JUDGE HEUPEL: I appreciate it, thank you, ma'am. Anybody
20 who hasn't spoken. Who would like to say something?

21 MR. POSEY: I'd just like to add, if Bob Jones files a
22 lawsuit, I'll be right with him.

23 A VOICE: I just need a second. First of all, I want to
24 thank all of you here because I thought that I was by myself on
25 this. Obviously, I'm not. I want to mention that our elected

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1 officials who came here are our mayor, the head of our Chamber of
 2 Commerce, and I believe Mr. Reeves, too, the publisher of our
 3 local paper. They literally gave us the finger, they left. They
 4 didn't want to hear what the other people said. So we should
 5 remember that when these things come up. Thank you.

6 JUDGE HUEPEL: With that, I want to thank everyone for
 7 coming to the meeting. May I just remind you you can send in
 8 comments, you can write them down tonight, or send them in later.
 9 I encourage you to do that. If anybody still needs a draft EIS
 10 and did not get one, if you'll come up, I've got one I'll give
 11 you.

12 Thank you very much.

13 (Hearing concluded at approximately 1:20 o'clock P.M.)

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 3 COUNTY OF OTERO)
 4)

5 I, DAMA WIMBERLY, CCR No. 14 within and for the State of New
 6 Mexico, do hereby certify that the foregoing and attached
 7 transcript of proceedings of the public meeting held July 12,
 8 1997, at 9:00 o'clock A.M. was reported by me and that the
 9 transcript is a true and accurate record of the meeting to the
 10 best of my knowledge, skill and ability.

Dama Wimberly
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NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
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PUBLIC HEARING ATTENDANCE RECORD

DRAFT RECEIVED DATE 11

PLEASE PRINT NAME Dary Cooper

MAILING ADDRESS 3433 W. Main Street

Alamogordo, NM 88310

STREET, P.O. BOX, OR ROUTE & BOX
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME Nancy Cookson DATE 7/12/97

MAILING ADDRESS P.O. Box 1021

Alamogordo, New Mexico

STREET, P.O. BOX, OR ROUTE & BOX
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

☐ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME Michael Alley

MAILING ADDRESS 400 Elm Ave

STREET, P.O. BOX, OR ROUTE & BOX

Hamden, CT 06530

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT

(if applicable) Hamden Chamber of Commerce

Exec Comm Eastern New Britain Council

☒ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME Dor Cooper

MAILING ADDRESS 3433 MESAVENUE ST

STREET, P.O. BOX, OR ROUTE & BOX

ALANSON, NY 11710

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) CITICORP

☐ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

DATE 11

PLEASE PRINT NAME Renetta Faresal

MAILING ADDRESS Box 155

STREET, P.O. BOX, OR ROUTE & BOX

Wegons Falls, NY 13325-0155

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 11

PLEASE PRINT NAME GORDON EWING

MAILING ADDRESS 4040 Cholla Road

STREET, P.O. BOX, OR ROUTE & BOX

Las Cruces, NM 88011

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) Desert Valley Audubon

☒ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME Dale Green DATE 7/12/97

MAILING ADDRESS P.O. Box 52
Pinon, N.M. 88344 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME Justin Goss DATE 7/12/97

MAILING ADDRESS Wild Lane Road Box 425
Weed, New Mexico STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME Katherine C. HOFER DATE 7/12/97

MAILING ADDRESS 267 Eagle Loop
Alamogordo, NM 88310 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME Loam Griggs DATE 7/12/97

MAILING ADDRESS P.O. Box 88
Alamogordo, NM 88310 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) Alamogordo Title Company

☐ CHECK IF YOU WANT TO SPEAK
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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME Troy Jackson

MAILING ADDRESS P.O. Box 151
Lebec NM 88337
 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) _____

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PUBLIC HEARING ATTENDANCE RECORD

DATE 12/1/97

PLEASE PRINT NAME Floyd William Hoenback

MAILING ADDRESS % P.O. Box 1586
Alamogordo NM 88310
 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) New Mexico Justice Council, Otero County

☒ CHECK IF YOU WANT TO SPEAK
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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/1/97

PLEASE PRINT NAME Jim Jennings

MAILING ADDRESS Roswell P.O. Box 1797
NM 88203
 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) NM Senator + Ranch

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/1/1992

PLEASE PRINT NAME JEAN E Jamison

MAILING ADDRESS 1605 MEMORY LANE
Alamogordo NM 88310
 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) _____

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME Bernice Knipek

MAILING ADDRESS 1936 Pinen Duken Rd.
STREET, P.O. BOX, OR ROUTE & BOX

Pinen NM 88344
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME Charlie T. Lee

MAILING ADDRESS P.O. 149
STREET, P.O. BOX, OR ROUTE & BOX

Alamo 60000 NM 88349
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 1/1

PLEASE PRINT NAME Bob Jones

MAILING ADDRESS Box 579
STREET, P.O. BOX, OR ROUTE & BOX

Del City TX 73117
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME Paul Knipek

MAILING ADDRESS 1936 Pinen Duken Rd.
STREET, P.O. BOX, OR ROUTE & BOX

Pinen NM 88349
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/197

PLEASE PRINT NAME ARDEN LEWIS

MAILING ADDRESS PO Box 144

PINON NM STREET, P.O. BOX, OR ROUTE & BOX
88344 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 11

PLEASE PRINT NAME Aubrey Lewis

MAILING ADDRESS PO Box 86

Mayhill, NM 88339 STREET, P.O. BOX, OR ROUTE & BOX
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) Cloudcroft Area Sustainability Team

☒ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/186

PLEASE PRINT NAME DON K. LEE

MAILING ADDRESS DRAPER 149

Alamogordo NM, 88310 STREET, P.O. BOX, OR ROUTE & BOX
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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DRAFT REQUESTED PUBLIC HEARING ATTENDANCE RECORD

DATE 11

PLEASE PRINT NAME ARDEN LEWIS

MAILING ADDRESS Box 144 88344
Pinon nm. STREET, P.O. BOX, OR ROUTE & BOX
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME Nora Lea Lewis DATE 7/12/97

MAILING ADDRESS Box 237 STREET, P.O. BOX, OR ROUTE & BOX
Dell City, Tx. 79837 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) _____

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PUBLIC HEARING ATTENDANCE RECORD

newed DRAFT DATE 7/11/97

PLEASE PRINT NAME Indis Lewis

MAILING ADDRESS P.O. Box 611 STREET, P.O. BOX, OR ROUTE & BOX
Alamogordo, NM 88311 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) _____

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME MARGARET E MERRITT DATE 1/1

MAILING ADDRESS PDB 97 STREET, P.O. BOX, OR ROUTE & BOX
PINDN NM 88344 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) _____

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DRAFT REQUESTED PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME MARGARET E MERRITT DATE 1/1

MAILING ADDRESS BOX 97 STREET, P.O. BOX, OR ROUTE & BOX
PINDN NM 88344 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) _____

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PUBLIC HEARING ATTENDANCE RECORD

OTERO CO DATE 7/12/97

PLEASE PRINT NAME Michael N. Olson

MAILING ADDRESS Box 384

CLOUDCROFT NM. 88310

STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT

(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME GB Oliver III

MAILING ADDRESS P.O. Box 582

La Luz N.M. 88337

STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT

(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DRAFT RECEIVED DATE 12/9/97

PLEASE PRINT NAME Gerald D. Moore

MAILING ADDRESS 1473 Lindberg Ave

Albuquerque NM 88310-8022

STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT

(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 11

PLEASE PRINT NAME GB Oliver

MAILING ADDRESS Box 10 La Luz, NM

88337

STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT

(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 11

PLEASE PRINT NAME Erica Pacheco

MAILING ADDRESS 406 Evelyn

Las Cruces New Mexico 88001

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) _____

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME R. Posey

MAILING ADDRESS Box 46

1444 Hill Hill

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) _____

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME GB & Yvonne Oliver

MAILING ADDRESS Box 10

La Cruz NM

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) Concerned Citizen

☐ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME Alton Posey

MAILING ADDRESS Box 46

1444 Hill Hill

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) _____

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/13/97

PLEASE PRINT NAME BRYAN PRATHER

MAILING ADDRESS Box 308

STREET, P.O. BOX, OR ROUTE & BOX

Pinon NM 88344

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DEIS PROVIDED

DATE 1/1

PLEASE PRINT NAME R. L. Posey

MAILING ADDRESS

MAYHILL

STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

☐ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

DATE 2/12/97

PLEASE PRINT NAME La Nelya Pruiett

MAILING ADDRESS P.O. Box 22

STREET, P.O. BOX, OR ROUTE & BOX

Alamogordo, N.M. 88311

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME Electra C. Pratt

MAILING ADDRESS Box 1876

STREET, P.O. BOX, OR ROUTE & BOX

Alamo Gordo NM 88310

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME George Ruch DATE 7/14/97
 MAILING ADDRESS 8402 Mt Park Hwy
Carlsbad NM 88220 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) _____

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME Hildy Reiser DATE 7/12/97
 MAILING ADDRESS 46 San Pedro Dr.
Alamogordo NM 88310 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) _____

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME Mauda O. Rathgeber DATE 1/1
 MAILING ADDRESS 606 Suddawa
Alamogordo, NM 88310 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) Active of Otters County

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PUBLIC HEARING ATTENDANCE RECORD

PLEASE PRINT NAME Tom Reeves DATE 7/11/97
 MAILING ADDRESS 29 Cielo Montana
Alamogordo, NM 88310 STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) Alamogordo Daily News

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PUBLIC HEARING ATTENDANCE RECORD

DRAFT PROVIDED DATE 7/11/97

PLEASE PRINT NAME LES RUNDERKNECHT

MAILING ADDRESS 999 NM HWY 24

STREET, P.O. BOX, OR ROUTE & BOX

WEED NM 88354

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)☐ CHECK IF YOU WANT TO SPEAK☐ CHECK IF YOU WANT A COPY OF THE FINAL EIS

PUBLIC HEARING ATTENDANCE RECORD

received DRAFT DATE 7/12/97

PLEASE PRINT NAME Hilby Reiser

MAILING ADDRESS 460 San Pedro Dr.

STREET, P.O. BOX, OR ROUTE & BOX

Mangrove in P21a

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)☐ CHECK IF YOU WANT TO SPEAK☐ CHECK IF YOU WANT A COPY OF THE FINAL EIS

PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME LINDA RUNDLELL

MAILING ADDRESS 1800 MARQUESS

STREET, P.O. BOX, OR ROUTE & BOX

LAS CRUCES NM 88005

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)☒ CHECK IF YOU WANT TO SPEAK☒ CHECK IF YOU WANT A COPY OF THE FINAL EIS

PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME KEU ROBERTS

MAILING ADDRESS P.O. Box 591

STREET, P.O. BOX, OR ROUTE & BOX

ALBUQUERQUE NM 88337

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)☒ CHECK IF YOU WANT TO SPEAK☒ CHECK IF YOU WANT A COPY OF THE FINAL EIS

PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME RICHARD C. GERARDIN

MAILING ADDRESS 1701 SAN ANTON DR
ALAMOGORDO NM 88330

STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable)

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DRAFT REQUESTED
PUBLIC HEARING ATTENDANCE RECORD

DATE 7-14-97

PLEASE PRINT NAME Donna Lou Schafer

MAILING ADDRESS P.O. Box 316
Dell City Texas 79837

STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable)

☐ CHECK IF YOU WANT TO SPEAK
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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME MARSHA SLANE

MAILING ADDRESS PO Box 321
Cloudcroft, nm 88317

STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable) QCAFE & Campbrey Spring

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PUBLIC HEARING ATTENDANCE RECORD

DATE 11

PLEASE PRINT NAME Ellie Sidwell

MAILING ADDRESS Box 489
Hughesville NM 88325-0489

STREET, P.O. BOX, OR ROUTE & BOX
 CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
 (if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 2/12/97

PLEASE PRINT NAME Retha Stoltz

MAILING ADDRESS 713 Oakley St
STREET, P.O. BOX, OR ROUTE & BOX

Alamogordo NM 88310
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

☐ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME Bill Taylor

MAILING ADDRESS PO Box 98
STREET, P.O. BOX, OR ROUTE & BOX

Pinar, NM, 88344
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

☐ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME Ahvae Stewart

MAILING ADDRESS 1799 NM Highway 24
STREET, P.O. BOX, OR ROUTE & BOX

Weed, N.M. 89753
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 7/12/97

PLEASE PRINT NAME MADONEL TAMING

MAILING ADDRESS Box 314 Pinar
STREET, P.O. BOX, OR ROUTE & BOX

NEW Mexico 88344
CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

☐ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

DATE 2/13/97

PLEASE PRINT NAME Dixie Truck

MAILING ADDRESS Box 37

Jularosa NM. 88353

STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT

(if applicable)

I am opposed to putting the

highway on this site.

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PUBLIC HEARING ATTENDANCE RECORD

DATE 2/13/97

PLEASE PRINT NAME Alvaro Augusto

MAILING ADDRESS 503 E. 16th

STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

Alamogordo NM 88310

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT

(if applicable) State Representative

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PUBLIC HEARING ATTENDANCE RECORD

DATE 2/1/97

PLEASE PRINT NAME MARLAUNE H. THASLER

MAILING ADDRESS 2015 HUNTINGDON DR.

STREET, P.O. BOX, OR ROUTE & BOX

Las Cruces

CITY, STATE, ZIP CODE

New Mexico 8801

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT

(if applicable)

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PUBLIC HEARING ATTENDANCE RECORD

DATE 2/1/97

PLEASE PRINT NAME Alvaro Augusto

MAILING ADDRESS 503 E. 16th

STREET, P.O. BOX, OR ROUTE & BOX

Alamogordo NM 88310

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT

(if applicable) State Rep. #31

☐ CHECK IF YOU WANT TO SPEAK

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PUBLIC HEARING ATTENDANCE RECORD

DATE 2/12/12

PLEASE PRINT NAME Kirk Walker

MAILING ADDRESS MSU

STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) New Mexico School of the Visually Handicapped

☐ CHECK IF YOU WANT TO SPEAK

☒ CHECK IF YOU WANT A COPY OF THE FINAL EIS

PUBLIC HEARING ATTENDANCE RECORD

DATE 02/12/12

PLEASE PRINT NAME Patricia H Werthigian

MAILING ADDRESS 740 Tepic Dr.

STREET, P.O. BOX, OR ROUTE & BOX

El Paso, TX 79912

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

☐ CHECK IF YOU WANT TO SPEAK

☒ CHECK IF YOU WANT A COPY OF THE FINAL EIS

PUBLIC HEARING ATTENDANCE RECORD

DATE 2/12/12

PLEASE PRINT NAME CLAYTON T. WALSH

MAILING ADDRESS 3230 MERCURY LN. L.O. NM 88012

STREET, P.O. BOX, OR ROUTE & BOX

ALBUQUERQUE, NM 88012

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) EX GUADALUPE CAROL ALARIN 8-7-42

☒ CHECK IF YOU WANT TO SPEAK

☒ CHECK IF YOU WANT A COPY OF THE FINAL EIS

PUBLIC HEARING ATTENDANCE RECORD

DATE 2/12/12

PLEASE PRINT NAME GARY WOOD

MAILING ADDRESS PO BOX 556

STREET, P.O. BOX, OR ROUTE & BOX

CLOUD CRAFT, NM

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable)

☐ CHECK IF YOU WANT TO SPEAK

☐ CHECK IF YOU WANT A COPY OF THE FINAL EIS

VEIS det.

R. J. Posey mayhill, NM 88339 7-14
Box 46

Jim L. Goody
Box 247
Alamogordo, NM 88310

Jean E. Jamison
1605 Memory Lane
Alamogordo, NM 88310

Les Rinderknecht
999 NM Hwy 24
WED NM 88354

Benetta Friesen
Box 185
High Falls, NM 88325

Dan Cooper
3435 Mesa Verde
Alamogordo, NM 88310

Hildy Reiser
46 San Pedro Dr
Alamogordo NM 88310

GERALD D. MOORE
1473 LINDBERY AVE
ALAMOGORDO NM 88310-8022

Dr. C.L. Fulton
P.O. Box 9
DEC 5 Delat : CARIZOZO, NM 88301

J. Thompson
P.C.M. Inc
P.O. Box 843
Williamsburg, NM 87942

Wayne Johnson
H.O. 32 Box 4 Center RL
For C. N. Myers 87901

Richard Hanson
HC R 31 Box 40 ~~Caballo~~
Caballo, NM 87931

A.S. Elliott
P.O. Box 58
Fort Sumner, NM 88101

Barbara Geller
P.O. Box 881 News
Carizozo, NM 88301

Lorise Brooks
Box 749
Carizozo, NM 88301

Jim Malcolm
P.O. Box 582 Captain NM 88316

Jubey Lewis
P.O. 36
Marshall, NM

Ignis Lewis
P.O. Box 611
Alamogordo, NM

Gloria Vaughan
503 16th
Alamogordo, NM 88310

Carl Harms
1903 Dewey Lane
Alamogordo, NM 88310

Maryde Rathgeber
606 Sundown
Alamogordo, NM 88310.

Gary Wood
P.O. Box 556
Clondorff, NM 88317

Katherine Hoene
267 Eagle Loop
Alamogordo, NM 88310

Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico

WRITTEN COMMENT SHEET

Thank you for your input.
PLEASE PRINT

DATE: 7/12/94

SEND THE GERMAN AIR FORCE BACK
HOME TO GERMANY

NAME: BRYAN PAATHER

ADDRESS: BOX 308

CITY: PINON

STATE/ZIP CODE: NM 88344

Please check if you would like to receive a copy of the Final Environmental Impact Statement. []

Please Hand This Form In or Mail To:

AIR COMBAT COMMAND ENVIRONMENTAL ANALYSIS BRANCH
HQ ACC/CEVA
ATTN: MS. SHERYL PARKER
LANGLEY AIR FORCE BASE, VA 23665-2769

Draft Environmental Impact Statement
Expansion of German Air Force Operations at
Holloman Air Force Base, New Mexico

WRITTEN COMMENT SHEET

Thank you for your input.
PLEASE PRINT

DATE: 7-13-97

Greatest disturbance at my house - Shakes, vibrates my house!
Cracked windows! Cracked my fireplace! All we
get is run around! Scared my horses!
I'm afraid to even ride my horse. These things
are very important to me. There are certainly as
important to me as other peoples are to them!
My home, My livestock, My life style is totally
ignored - No consideration is given to me!
My life style is totally ignored.
This is being crammed down our throats whether
we like it or not. I do not like it! Stop - Stop -
Government for the people, by the people

NAME: Carol Dsey
ADDRESS: P.O. Box 411
CITY: Sacramento
STATE/ZIP CODE: New Mexico 88347

**** CONTINUE ON BACK FOR MORE SPACE **** I don't see any
of this here.

Please check if you would like to receive a copy of the Final Environmental Impact Statement. []

Please Hand This Form In or Mail To:

AIR COMBAT COMMAND ENVIRONMENTAL ANALYSIS BRANCH
HQ ACC/CEVA
ATTN: MS. SHERYL PARKER
LANGLEY AIR FORCE BASE, VA 23665-2769

For The Record - Alamo
CONSTRUCTIVE NOTICE

I, Floyd William, Hornback, (hereinafter Plaintiff) being first duly sworn according to law, having first hand knowledge of the facts herein, and being competent to testify, do affirm that the facts herein are stated by the Plaintiff, and are true, correct, and complete, stated under penalties of perjury pursuant to the laws of the United States of America.

Know all men by these presents, Floyd William, Hornback, brings this Notice for the people of these United States of America, under the American flag of peace, without an attorney, ex rel. now defines and states:

Ex. rel.: for the people of the united states defined: "... But it is the manner of enforcement which gives Title 42 U.S.C. 1983 its unique importance, for the enforcement is placed in the hands of the people." Each citizen, "acts as a private attorney general who takes on the mantle of the sovereign, guarding for all of us the individual liberties enunciated in the Constitution." Section 1983 represents a balancing feature in our governmental structure whereby individual citizens are encouraged to police those who are charged with policing us all. Thus, it is of special importance that suits brought under this statute be resolved by a determination of truth." Wood v. Brier, 54 F.R.D. 7, (1972)

1) You have sworn an oath of office to support and defend the Constitution and the laws of this State and these United States, and having taken such oath before a competent tribunal, officer, or person authorized to administer such oaths, any breach thereof may constitute a liability to you in both your individual and official capacity of which you may by a breach, waive any immunities to suit therefrom.

2) A breach may constitute a use swearing to your oath and is a violation of the Constitution of these United States and of Article XX, Section 1 of the Constitution of the State of New Mexico and constitutes perjury. This perjury is a violation of Title 18 USC section 1621, and may possibly be considered a conspiracy under Title 18 USC sections 242, for the deprivations of those rights as secured to this Citizen under the Constitution of these United States of America.

3) Title 42 USCA sec 1986 "Action for neglect to prevent", Every person who having knowledge that any of the wrongs conspired to be done, and mentioned in Title 42 USCA sec 1983 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or persons legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on case, and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in action. (42 USCA sec 1986 is derivative of sec 1985 and provides remedy for persons injured by neglect or refusal of those having power to do so to prevent wrongs specified in sec 1985).

4) Title 42 USCA sec 1985 "Conspiracy to interfere with civil rights" (1) ... (2) ... or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws, (3) Depriving persons of rights or privileges. If two or more person in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person (or class of persons) of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

5) Title 42 USCA sec 1983 "Deprivation of Rights". Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory of the District of Columbia, subjects, or causes to be subjected, any citizen of the United States, or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress.

6) You are hereby notified pursuant to Title 42 USCA section 1986, for knowledge of the law, as to your high standards of the law, and as witness, that any "Neglect" to prevent constitutional wrongs from injuring this Citizen, that if such neglect proximately causes damage it will give rise to an action in "Tort", further, be advised by acting in concert with others, this may be construed as conspiracy under Title 42 USCA sec 1985.

7) FRAUD: An intentional perversion of Truth, for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right; a false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. A generic term, embracing all multifarious means which human ingenuity can devise, and which are resorted to by one individual to get advantage over another by false suggestions or by suppression of truth, and includes all surprise, trick, cunning, dissembling, and any unfair way by which another is cheated. "Bad Faith" and "Fraud" are synonymous ...

8) Title 18 USCA sec 872: Extortion by officers or employees of the United States. Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined under this title or imprisoned not more than 3 years, or both; ...

9) Air Rights: The right to use all or a portion of the air space above real estate. Such right is vested by grant; e.g. fee simple, lease, or other conveyance. While commercial airlines have a right to fly over ones land, if such "flight paths" interfere with the owners use of such land, the owner is entitled to recover the extent of actual damages suffered by him. United States v. Causby, 328 U.S. 256, 66 S. Ct 1062, 90 L.Ed. 1206. B.L.D. 6th Ed

10) Posting. In connection with trespass statutes. The act of placing or affixing signs on private property in a manner to give notice of the trespass. BLD 6th Ed

11) Trespass. An unlawful interference with one's person, property, or rights. ... Any unauthorized intrusion or invasion of private premises or land of another; ... Criminal trespass is entering or remaining upon or in any land, ... by one who knows he is not authorized or privileged to do so; ... Intrusions upon, beneath, and above surface of land. (1) Except as stated in subsection (2), a trespass may be committed on, beneath, or above the surface of the earth. (2) Flight by aircraft in the air space above the land of another is trespass if, but only if, (a) it enters into the immediate reaches of the air space next to the land, and (b) it interferes substantially with the other's use and enjoyment of his land. ... Trespass with force and arms. The common-law action for damages for any injury committed by the defendant with direct and immediate force or violence against the plaintiff or his property. ... Liability for intentional intrusions of land. One is subject to liability to another for trespass, irrespective of whether he thereby causes harm to any legally protected interest of the other, if he intentionally (a) enters land in the possession of the other, or causes a thing or a third person to do so, or (b) ... (c) ... BLD 6th Ed

Any person or persons having knowledge of these facts and who has fiduciary duty to act in a reasonable manner to either prevent or correct the wrongs taking place or having the power to prevent or aid to prevent the commission of the same, shall be liable to this Plaintiff or his legal representatives for any and all damages caused or incurred by such wrongful acts, actions, inaction, or omission, which such

person could have by reasonable diligence prevented, may be joined pursuant to Title 42 USCA sections 1986, 1985, and 1983 in any action taken as a result of these wrongs.

Any Complaint for damages will be filed under the American Flag of Peace of the United States of America. No jurisdiction under any American flag of war will be accepted.

Hereinafter:

U.S.C.A. = United States Code Annotated
N.M.S.C. = New Mexico State Constitution
BLD 6th Ed = Black's Law Dictionary
Disguise = Without Oath by perjury without protection
Citizen = Man, not as an Official

Respectfully Submitted for Notification,

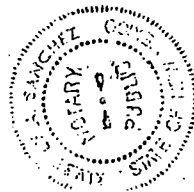
Floyd William Hornback
Floyd William Hornback

c/o P.O. Box 1586
Alamogordo, New Mexico
PZ 88310

Before me, a Notary Public, appeared Floyd William, Hornback, and did affirm and subscribe hereto on this 11th day of July, 1997.

My commission expires,

08-19-00



Notary Kimberly A. Sanchez

CERTIFICATE OF SERVICE

A true and correct copy of this CONSTRUCTIVE NOTICE was served personally or by Certified U.S. Mail to the following:

Lt Col. D. Hargarten
Holloman AFB, NM

Ms. Sheryl Parker
Headquarters Air Combat Command/CEVA
129 Andrews Street
Langley AFB, VA 23665-2769

Notice to the Agent is Notice to the Principle.

TESTIMONY FOR HEARING

July 12, 1997, Alamoqordo, New Mexico

"DEIS Proposed expansion of German Air Force Operations at Holloman AFB, New Mexico"

By Marianne Thaeler, Military Issues Chair, Rio Grande Chapter,
Sierra Club
2015 Huntington Dr.
Las Cruces, New Mexico 88011
phone/fax 505-522-3421

My name is Marianne Thaeler. I am Military Issues Chair of the Rio Grande Chapter of the Sierra Club.

I reserve the right to present written Comments before the August 4, 1997 deadline.

This DEIS grossly mis-characterizes the Region of Influence. The El Paso/Juarez metropolis is one of the largest on the North American continent. The Ft. Bliss cantonment area is in the heart of El Paso, Texas, and Ft. Bliss Tx/NM already has subdivisions along two of its boundaries. Therefore, McGregor Range can be considered to be in suburbia.

Southern New Mexico and west Texas is one of the fastest growing areas of the United States, and has severe potable water supply problems.

Since Texas has no snow and perhaps two (2) mountains the Sacramento and Guadalupe mountains are a recreational and tourist "mecca" for Texans.

AG-53 [This and the long history of public opposition to the military take over and use of McGregor rangelands is not included in this DEIS.

The DEIS makes and excellent case for the use of Existing Ranges at White Sands Missile Range and Melrose. But the references to the small "x" target on McGregor as a bombing range, rather than the small target range that it is, further thwarts public efforts and Congressional intent that McGregor be returned to full public access by 2001, as is set out in P.L. 99-606.

The DEIS makes an excellent case for the use of WSMR and Melrose.
- They have existing infrastructure, roads, and fire fighting capabilities, which the McGregor options do not. They have established clean up procedures, which the McGregor options do not.

- They are under utilized. The two existing bombing ranges are not used from Friday noon through Sunday.

- There is existing - citizen and local elected official support of WSMR and Melrose.
- No new acres would be removed from public access and multiple uses including hunting, camping, hiking and grazing would continue on McGregor un-molested.
- Hunting areas both the public and the DOD PERSONNEL ONLY Hunting Areas would not be compromised.
- No endangered species would be impacted, and soil, biologic resources, etc. would be minimally affected.
- The wilderness values of Otero Mesa could be preserved. (I received a telephone call from Korea, from a US Airman who trained at Holloman telling me that Otero Mesa grasslands were the only place he and other pilots could find in this area where they could find peace and quiet away from the noise and stress of flight training.)
- The obvious "turfing" issues between TRADOC, ACC, and Technical and Evaluation Command would be avoided and/or minimized. (I heard recently that the TRADOC planners have placed a tank training area on the Tularosa Basin portion of McGregor, as part of their in-progress Master Plan.)

AND,

- Federal Law 99-606 already provides for the clean up and return of McGregor to full BLM management by year 2001, less than 4 years away. This is an eagerly awaited event, for historic and Post-Cold War symbolic reasons.

There should be some changes made to this Draft EIS, to eliminate misrepresentations, sarcasm, and threats (perceived or real.) For example:

- Under existing federal laws Wilderness Study Areas must be managed as Wilderness. Statements on who recommends or does not recommend permanent designation by Congress are not appropriate in this document.
- The statements regarding grazing management practices on Otero Mesa are spiteful, and should be eliminated.
- The repeated statement, "If [the action] is not implemented airspace utilization would be modified for this action." leaves the impression to the reader that low level overflights and noise will occur no matter what anyone says. This can be perceived as a threat, intended or not.
- Noise. According to the Final EA on the proposed airspace modifications, tornado jets create up to 120 decibels of noise. The use of averages and number of sorties is misleading. Each sortie can make 10 or more passes over a single point. And 120 decibels are harmful.

Finally a question: Who would manage the ranges? clean up, grooming, fire fighting, etc.
 Ft. Bliss has minimal to no fire fighting capacity on McGregor.
 Ft. Bliss has no experience in clean up or grooming. It does not clean up its existing launch and impact areas. The US Air Force is sponsor, but appears to have no other responsibility. Is this a land grab by the US or German Air Force?
 The WSMR Melrose option would remove these questions.

AG-57

AG-54

AG-55

AG-56



COUNTY OF OTERO
1000 NEW YORK AVENUE, ROOM 101
ALAMOGORDO, NEW MEXICO 88310-4835

July 11, 1997

Ms. Sheryl Parker
Headquarters Air Combat Command/CEVA
129 Andrews Street
Langley AFB, VA 23665-2769

RE: Proposed Expansion of the German Air Force Operations at Holloman AFB, NM
(Final Environmental Impact Statement)

Dear Ms. Parker:

All three commissioners will be out of town on business, and I have delegated Mike Nivison to state Otero County's position. I thank you for allowing us time to speak and I apologize for any inconvenience.

As stated before the Otero County Commissioners would like to comment on pages ES-2. We strongly support the Tularosa Basin portion of McGregor Range, as we feel from our cumulative information that this is acceptable to the county. We, the Otero County Board of Commissioners, cannot support the other two options.

I would also like to submit a list of concerns regarding the NEPA process. If you have any questions, Mike Nivison will be glad to answer your questions in full. A letter will be forthcoming.

Sincerely,

Ronny Rardin
Otero County Commission Chairman

My Name is George Rardin
8402 Nat Park Hwy
Carlsbad N.M 88220
July 12, 1997

I own and operate a cattle ranch in south east Otero County, which is where I live.

I would like to have recorded that on July 1, 1997 in the early afternoon, one of the low level jet air craft diverted his course and flew directly over me as I was driving a bunch of horses along, ~~they~~ at a height of about 50 ft. This happened on my small at section 8, T24S, R20E. I can show on a topograph map where I was at the time and a hill the plane had to rise up to get over which is 50' high on the map. This action on the part of the aircraft spoiled the horse I was driving and greatly spoiled the horse I was riding - causing him to buckle. The loud noise scared him very much.

I am against having a foreign government training in the United States. I am against making any new area, if you are going to do this anyway you should use the already existing target areas.

There is no excuse for the Germans to fly at 50 or over 100 ft. American planes have trained here before and stayed above 500 ft. and did not fly over our horses & imperil our lives.

The Civil address fire blowing the horse over, but does address the fire was on the far side of the fly way should we accident occur. I appear.

AG-58

The proposed expansion of German Air Force operations at Holloman AFB, NM falls under the authority of National Environmental Policy Act (NEPA) Public Law 91-190, 1969

Sec. 1501.5

Where appropriate the lead agency should seek the cooperation of state or local agencies of similar qualifications. (Otero County is significantly effected, and has requested involvement with no response)

Sec. 1501.2

Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process to head off potential conflicts.

1. Otero County is not on the list of Personal Communication.
2. Otero County is not on the mailing list. (Had to request a copy of draft EIS)
3. No substance of the Custom and Culture Documents from Otero County, that we delivered to the Air Force, were considered.
4. No Otero County Public Land Use Plan or Ordinance were considered, or requested.
5. PLUAC was given a verbal report in September of 1996. It was reported that information was too preliminary, and we would receive a comprehensive update in November 1996. Nothing has been forthcoming.
6. In a separate meeting with Senator Dominici, Senator Bingaman, and Congressman Skeen, the Air Force was asked to work with Otero County. Otero County has waited in good faith, and has not been contacted by phone, in person, or by correspondence, and yet you publish a Draft EIS.

AG-59

DECLARATION OF TREASON IN HIGH PLACES

By Brenda Lyles
Jesus Servant
Bakersfield California
March 17, 1997

Fellow Americans,

When in the course of human events, the president and the congress events a design to reduce the people under an absolute despotism, it is their right, it is their duty to throw off such government and to restore to the people the supreme law of the land as embodied in the Constitution of the United States of America. And such is now the necessity, promulgated by repeated injuries and usurpation ~~by~~ the accused in attempting to establish an absolute tyranny over the states and the people, by systematically subjugating the people to a One World Government under the Communist regime of the United Nations and ignoring the inalienable rights of the people as set forth in the Constitution. Let these facts be submitted to a candid world.

They have refused to assent to the supreme law of the land embodied in the Constitution of the United States and violating their oath of office by passing laws in opposition to the supreme law and the rights of the people.

They have erected a multitude of new offices and sent hither swarms of officers to harass our people and to confiscate their substance.

They have allowed numerous unchartered entities to institute regulations to fine, imprison and even murder citizens of the various states, in effect declaring war upon the citizens in direct opposition to the Constitution. These illegal agencies include but are not limited to: FBI, BATF, IRS, EPA, FEMA, CIA and BLM.

They have allowed these agencies to attack the citizenry without due process, confiscating their property and bank accounts, imprisoning them and moving them from one prison to another, so that even their attorneys can't find them, all the while sharing the confiscated property among themselves, their various agencies, and government officials, including the so-called president who gets \$25,000 for each person who is convicted by the IRS.

They are working to abolish our free system of law by subjugating us to international law as embodied in the United Nations Charter, to which George Bush said: "It is the sacred principles enshrined in the United Nations Charter, to which we will henceforth pledge our allegiance." When did he say that? On February 1, 1992 in the UN building, New York City.

They have committed treason and war on the peoples of the United States by signing and implementing the United Nations program for general and complete disarmament. This unconstitutional treaty calls for the disbanding of the military,

confiscation of all weapons and arms of the people, leaving them defenseless, in the institution of the use of foreign UN troops to police the people of the United States. See State Department paper 7277 and public law 87-297 article 1 section 7 and amendment 4.

They have committed high treason by allowing a sworn enemy of the United States to oversee the disarmament of the military and military base closings, giving them access to our most sensitive defense secret codes, missile locations and defensive weapons. This person is of course Mikhail Gorbachev who has been given the Presidio, a former United States military installation at San Francisco, California, who said in a speech to the Soviet Politburo in November 1987, and this is his direct quote: "Gentleman and comrades, do not be concerned about all you hear about Glasnost and Perestroika and democracy in the coming years. These are primarily for outward consumption. There will be no significant internal changes in the Soviet Union other than for cosmetic purposes. Our purpose is to disarm the Americans and let them fall asleep." It is a fact as reported in Janes quarterly, the third edition of 1996 that the Soviets are building one nuclear submarine every two months, 58 fighter aircraft per month, and tactile nuclear bombs and mobile launchers numbers unknown.

They have committed treason by allowing armies of foreign mercenaries to invade American soil, giving them bases here such as the German Air Force base in New Mexico, the Communist Chinese Long Beach Naval Station, George Air Force Base in California and the port of Corpus Christi in Texas, all the while backing these butchers.

They have signed unconstitutional treaties such as GATT and NAFTA and thereby given aid and comfort to our enemies by instituting economic terrorism upon the people.

They have subsidized corporations to move to other countries, taking with them American jobs and using slave labor abroad to make the goods that they sell here for exorbitant profit. They have underwritten loans on the good faith of the American taxpayer to subsidize genocide and slavery in China, Russia and various countries through the world, thereby strengthening through foreign aid our enemies.

They have committed treason by allowing the president to rule by use of presidential directives, making public laws which give dictatorial powers. These being in direct opposition to the Constitution, this so-called president has confiscated lands in this country and given them to the United Nations. These lands include most of our national parks which are now United Nations Biospheres, lands in Utah which the treasonous president and the Congress are proceeding to take under United Nations Treaty, and the area called "The Land Between the Lakes" which stretches through Kentucky, Tennessee, Georgia, North and South Carolina. The traitors intend to move in excess of 100,000 people from their property and turn this area into a human-free zone. This land will be fully given to the United Nations and out of control of the American people.

They have committed treason by allowing a private entity, the Federal Reserve, a privately owned stock company, to print and regulate our currency, and thus dictate our monetary policies. They have allowed this company, owned by foreign interest which has never paid taxes, never been audited, to transport the gold reserves of the United States to their various banking institutions, primarily those in New York City, and from there take said gold reserves to private banks in Europe, thus robbing the people of the United States without their consent. They have incurred a phony indebtedness to these private banks by giving them our gold for credit on paper, which is not an exchange of value for value, all the while keeping the truth from the American people. At every stage of these oppressions our repeated petitions have been answered by repeated injury.

These tyrants are unfit to be rulers of a free people. We therefore submit that such who are guilty of these high treasons be tried and prosecuted and that all the connection between them and the United States be totally dissolved. Let it further be stated that "We-The-People" have every right to disobey laws that are contrary to our blessed Constitution and to bring whatever pressure we can forebear upon those who would put us in jeopardy, our lives and our liberty, and those sacred freedoms which belong to our posterity.

SECTION 7.0

RESPONSES TO COMMENTS

Response to Oral and Written Comments Presented at the Public Hearings

The following provides responses to comments identified in the transcripts and materials submitted at the public hearings. One purpose of the public hearing process is to secure input from the public and state, federal, and local agencies, to be used to revise the EIS. This input takes a variety of forms, including the identification of specific issues of concern, factual data not otherwise available, and identification of areas where the document could otherwise be improved. The Air Force has carefully examined all comments received during the public hearing process, both those presented at the public hearings, and those which were submitted in writing. Comments provided at the public hearing, either orally or in writing, are included in Volume II of the FEIS. Written comments received subsequently to the public hearings are included in Volume III. All such comments have been taken into consideration in the preparation of the FEIS.

During the review of the comments, specific comments were identified which either requested clarification about some aspect of the action, requested that certain subjects be considered, provided additional information that would be useful to include in the EIS, or otherwise spoke to the adequacy of the DEIS. In some cases the comment indicated a misunderstanding on the part of the commenter. These comments were designated with a tracking number, and are explicitly addressed in the following responses to comments.

During the public hearings, an opportunity was provided to request clarification of some aspect of the hearings presentation, or of the proposed action. Such comments were addressed as far as possible at the hearing. Those comments which were addressed at the public hearing, as shown in the hearings transcript, are addressed below only if further clarification is in order.

In some cases, the commenters, expressed purely personal opinion (e.g., "I support the proposed action", or "I am opposed to the proposed action") unrelated to the analysis contained in the DEIS. Some commenters spoke to issues which are outside the scope of the EIS (e.g., their comments dealt with airspace not involved in the proposed action, or dealt with issues related to national policy). While all comments received have been taken into consideration in revising the DEIS, the following responses deal only with comments which speak in some way to the adequacy of the EIS.

The proposed action is intended to meet the requirements of the proposed amendment to the Memorandum of Agreement between the United States and Germany. This proposed amendment states that the additional Tornado aircraft would be collocated with the original 12 Tornados at Holloman AFB. This establishes the purpose and need for the proposed action. Several

commenters suggested basing options other than Holloman AFB. Because such options do not respond to the purpose and need of the proposed action (that is, they do not meet the conditions stated in the Memorandum of Agreement), such alternatives are considered outside of the scope of the EIS.

Response to Comments
Received at Alpine, Texas, 8 July 1997

- AP-1 Changes in operations within military airspace require action under the National Environmental Policy Act (NEPA).
- AP-2 Section 3.8 provides information on hazardous materials involved in flight operations and aircraft maintenance under the proposed action. This includes aviation fuel. Munitions carried by the aircraft are identified in Chapter 2. Safety issues associated with these munitions are discussed in Sections 3.13 and 4.13. As discussed in Chapter 2, live munitions would be carried on aircraft conducting sorties to the Red Rio LDT impact area.
- AP-3 Apart from munitions, hazardous materials are not currently used on the ranges. Operation of the proposed television ordnance scoring system would generate small quantities of hazardous waste (e.g., spent batteries); the amount involved is considered negligible.
- AP-4 The range of potential effects of an aircraft accident are discussed in Section 3.13.
- AP-5 Air Force Regulations specify procedures that may be followed in regard to claims for damages made against the Air Force. However, property damage and associated economic losses can only be determined by review of the circumstances of the individual case. Information on filing claims for damages can be obtained by contacting the Holloman Public Affairs Office at 505-475-5406.
- AP-6 The proposal is to expand existing German Air Force operations at Holloman. The decision to initially base the Tornados at Holloman Air Force Base (AFB) was made in 1992. The proposed action is in response to an amendment to an agreement between the United States and Germany, which placed Tornado training at Holloman AFB. Other bases are outside the scope of this agreement and therefore are not reasonable alternatives.
- AP-7 The purpose and need for this proposed action are discussed in Chapter 1 of the proposed action.
- AP-8 This action is currently being considered under NEPA. Input from concerned citizens, as well as federal, state, and local agencies, has been solicited as part of the NEPA process.

- AP-9 The proposed action includes use of airspace in both New Mexico and in Texas, as well as parts of Arizona.
- AP-10 Sections 3.1 and 4.1 address airspace management and use. Sections 3.13 and 4.13 address safety.
- AP-11 As discussed in Section 4.2, changes in noise levels under the NTC training options are not projected to be substantial. In some localities, changes in noise levels under the Existing Range training option would be considered substantial, but in no case would these changes result in noise levels that would be considered incompatible with existing land uses.
- AP-12 In response to public comments, additional information has been included in Section 4.9 dealing with the potential impact of the proposed action on rural socioeconomic conditions and property values.
- AP-13 Impacts to domestic animals and wildlife have been identified and are discussed in Section 4.5 and Appendix J. In response to public comment, additional information on this subject has been included in Appendix J. As discussed, in some circumstances, low-level aircraft flight may result in incidental livestock startle that may or may not lead to livestock damage.
- AP-14 The proposed action does not involve the acquisition of property, nor the establishment of new airspace. While the proposed action does involve changes in airspace use, the proposed activities are similar to those prevailing under baseline conditions.
- AP-15 A proposed change in operations, such as suggested here, would require an analysis, in accordance with NEPA and Air Force regulations, of its potential environmental impact. Initially, this would include a determination of the level of analysis (e.g., an Environmental Assessment, an Environmental Impact Statement, or other NEPA action) that would be required. No action could be implemented before such a determination was made, and the required analytical and decision making process completed.
- AP-16 Under the proposed action, construction activities and, in particular, establishment of an NTC, would occur only on federal property. All airspace that could be used to support the proposed action overlies a mixture of federal, state, and private property. FAA guidelines require that existing airspace be used wherever possible.

- AP-17 Impacts to domestic animals and wildlife have been identified and are discussed in Section 4.5 and Appendix J. In response to public comment, additional information on this subject has been added to Appendix J. As discussed, in some circumstances, low-level aircraft flight may result in incidental livestock startle that may or may not lead to livestock damage.
- AP-18 The variety of Air Force activities in the region are not a part of a single program or policy initiative regarding training and airspace use. Separate analyses of these various activities will adequately assess their combined cumulative impacts. Consequently, a programmatic Environmental Impact Statement (EIS) is not needed. Nonetheless, this EIS does, in fact, analyze the cumulative impacts of this action with all past, present, and reasonably foreseeable future actions.
- AP-19 The proposed action would be in compliance with all applicable laws and regulations, including FAA regulations concerning low-level flying.
- AP-20 The Air Force has evaluated the effect of low-level flight over private land for previous proposed actions. Additional information has been provided in Section 4.9 concerning this issue.
- AP-21 Property damage and associated economic losses (addressed in Section 4.9) can only be determined by review of the circumstances of the individual case, and cannot be generalized into an overall impact.
- AP-22 In response to public comment, additional information on noise in relation to human health effects has been provided in Section 4.2.
- AP-23 Aircraft turbulence from low-level overflight (also known as "wing-tip vortices") is a very localized phenomenon. The vortices quickly abate with time and distance from the aircraft. It is not anticipated that the low-level flights would affect cars on roads. With the FAA restrictions permitting overflight of structures to no closer than 500 feet, it is not anticipated that turbulence from low-level flights would affect maintenance crew working on structures such as radiotelescopes. Additional information on the potential for overflight to result in hearing damage has been included in Section 4.2. During individual overflights by a Tornado aircraft, single-event noise levels may reach 108 dB at 500 feet AGL. OSHA standards, designed to protect against hearing loss in the workplace, permit noise levels of 115 dB for periods of up to 15 minutes before hearing protection is required. Since aircraft overflight events at 108 dB

would persist only momentarily, no adverse effect on hearing would be expected under the proposed action.

- AP-24 Impacts to domestic animals and wildlife have been identified and are discussed in Section 4.5 and Appendix J. In response to public comment, additional information on this subject has been included in Appendix J. In some circumstances, low-level aircraft flight may result in incidental livestock startle that may or may not lead to livestock damage. Property damage and associated economic losses can only be determined by review of the circumstances of the individual case. Information on filing claims for damages can be obtained by contacting the Holloman Public Affairs Office at 505-475-5406.
- AP-25 Aircraft turbulence from low-level overflight (also known as "wing-tip vortices") is a very localized phenomenon. The vortices quickly abate with time and distance from the aircraft. With the FAA restrictions permitting overflight of structures to no closer than 500 feet, it is not anticipated that the low-level flights would cause damage in a properly constructed and maintained structure. Current minimum altitude for bomber training is 300 feet AGL.
- AP-26 In response to public comments, additional information on the effect of overflight on socioeconomic conditions has been included in Section 4.9.
- AP-27 The Tornado aircraft is not included in the U.S. inventory; while low-level training in U.S. aircraft occurs at other locations, the specific training for Tornado aircrews is unique to Holloman AFB.
- AP-28 As described in Chapter 2, low-level training would occur over a broad area of the southwestern United States. The majority of the sorties would be conducted on routes other than those passing near Alpine, Texas.
- AP-29 This phrase was not used in the Draft EIS.
- AP-30 Section 2.1 provides projected annual sorties by airspace area. These are distributed over 250 flying days per year.
- AP-31 In FY00, aircraft use on the portion of IR-102/141 Long, which passes around Alpine, Texas, would amount to 0.5 sortie per day. Maximum proposed use for this route would reach 1.2 sorties per day under the NTC training options. Somewhat higher sortie rates would be achieved on IR-102/141 Short, but this is well north of Alpine, Texas.

- AP-32 A 747-400 has a sound exposure level at 1,000 feet of 96.7 dB (INM Noise curve PW4056 with 32,000 pounds of thrust). A Tornado on a training route at 480 knots has a sound level at 1000 feet of 101 dB. The noise scale on Figure D-1 has been revised to show military aircraft noise levels.
- AP-33 The Air Force has made every effort to make copies of the Draft EIS available to those who wish one. In addition, copies are available in selected public libraries throughout the area affected by the proposed action. A copy of the DEIS has been sent to Sul Ross University. Sul Ross University has been placed on the mailing list for the FEIS.
- AP-34 The decision-maker will be an official designated by the Office of the Secretary of the Air Force.
- AP 35 Impacts to domestic animals and wildlife have been identified and are discussed in Section 4.5 and Appendix J. In response to public comment, additional information on this subject has been added to Appendix J. As discussed, in some circumstances, low-level aircraft flight may result in incidental livestock startle that may or may not lead to livestock damage.
- AP-36 Airspace management and safety considerations are addressed in Section 4.1 and 4.13. The proposed action does not establish or modify existing airspace. Aircraft use on that portion of IR-102/141 that passes around Alpine, Texas, would amount to 1.2 sorties per day, and increase of 0.7 sorties per day over the baseline. No significant impact on airspace use or safety would be expected.
- AP-37 The action under consideration is a proposed action. No decision has been reached as to whether or not to implement the proposed action, and any of the training options, or the no-action alternative.

Response to comments received at Dell City Texas, 9 July 1997

- DC-1 Property damage and associated economic losses can only be determined by review of the circumstances of the individual case. If individual damages were to occur and be validated, Air Force regulations establish procedures for compensation.
- DC-2 Section 3.2 has been expanded in response to public comments to further explain the use of day-night average sound level measurements. See also Appendix D. The maximum noise levels and the sound exposure levels shown on Tables 4.2-1 and 4.2-2 represent the noise levels for a single aircraft directly overhead.
- DC-3 This proposed action does not introduce new restrictions on civilian air traffic. See Section 4.1.
- DC-4 The Memorandum of Agreement between the U.S. and Germany, which clarifies funding responsibilities for the proposed action, has been added to the EIS as Appendix A. The United States would pay for those elements of the proposed action that directly benefit the U.S. Air Force. U.S. aircrew training, for example, would benefit from use of the new target complex (NTC); 40 percent of the costs of the NTC would be paid for by the U.S.
- DC-5 The variety of Air Force activities in the region are not a part of a single program or policy initiative regarding training and airspace use. Separate analyses of these various activities will adequately assess their combined cumulative impacts. Consequently, a programmatic EIS is not needed.
- DC-6 No portion of Carlsbad Caverns National Park underlies military training airspace. See new Figure 3.3-5 for a detailed depiction of airspace in relationship to Carlsbad Caverns National Park.
- DC-7 Guadalupe Mountains National Park recently added an access road in the northeast corner of the park, connecting to U.S. 62/180. The eastern end of this access road (encompassing approximately 2 miles of roadway) lies under the western edge of IR-192/194. Other Military Training Routes (MTRs) affected by this action come close to the NP, in some cases abutting the NP boundaries, but do not overlie the NP. Section 3.3 has been revised to clarify this. See new Figure 3.3-5 for a detailed depiction of airspace in relationship to Guadalupe Mountains National Park.

- DC-8 In response to public comment, Section 3.3 has been expanded to indicate that Guadalupe Mountains National Park includes Wilderness Areas. Wilderness Areas and Wilderness Study Areas within and adjacent to Carlsbad Caverns or Guadalupe Mountains National Parks are shown in Figure 3.3-5.
- DC-9 Figure 3.3-5 shows the relationship of affected airspace to Carlsbad Caverns and Guadalupe Mountains National Parks. The edge of the IR-102/141 corridor is about 3,000 feet west of the acquisition area on the west side of Guadalupe Mountains National Park. Section 4.2 provides sound levels at various lateral distances for aircraft at various altitudes.
- DC-10 Impacts to wildlife have been identified and discussed in Section 4.5 and Appendix J of the EIS.
- DC-11 The commenter is referred to Sections 3.2, 4.2, and Appendix D of the EIS for an applicable noise analysis and evaluation of health effects for this proposed action.
- DC-12 The procedure used to calculate the noise levels and their impacts represents the best available technology. The use of these procedures was reaffirmed as recently as 1992 by the Federal Interagency Committee on Noise (FICON 1992), which included representatives of the Department of Defense, the Environmental Protection Agency, the Department of Transportation, the Department of Housing and Urban Development, and the Department of Veteran Affairs. Section 4.2 of the EIS details the noise modeling approach, the reliability of the noise predictions, and the accuracy of the noise predictions. It is recognized that variations in atmospheric properties alter the distances at which sound propagates for individual aircraft events. The noise model uses an annual average temperature and relative humidity. This procedure of using average atmospheric conditions has been shown to yield accurate noise predictions when averaged over an extended period of time.
- DC-13 Noise analysis calculations were performed as if the ground was flat. This is a conservative approach, which tends to overpredict noise levels for reasons given below. Additional information on the effect of topographic features appears on page 4-12 in the Draft EIS. Topographic features can sometimes increase individual noise by up to 3 dB (reflections) and can sometimes decrease noise substantially by shielding, often in excess of 20 dB. The net result is lower cumulative levels than predicted from flat ground. Flight altitudes AGL are relative to the highest local ground elevation. By using those

altitudes in the analysis, the calculations assume aircraft are at a lower altitudes than they would actually fly.

- DC-14 A 3-dB "rule of thumb" (under which sound levels decrease by 3 dB each time the distance to a source doubles) is sometimes used as a rough approximation to describe changes in noise levels with distance to a source. While sometimes useful, strictly speaking, it applies only for an omnidirectional point source moving on a straight line, and does not take into consideration effects such as air attenuation and ground absorption. These latter factors affect noise levels in a nonlinear manner. Taking them into account results in substantial departures from predictions made using the 3 dB "rule of thumb". The data in Tables 4.2-1, 4.2-2, and 4.2-3 take these factors into consideration and provide significantly more refined depiction of the changes in noise levels with altitude and lateral distance than would be obtained using the 3-dB "rule of thumb".
- DC-15 Section 3.2 has been expanded in response to public comment to further explain the use of day-night average sound level measurements. Sound levels of Tornado aircraft are also provided in Section 4.2.
- DC-16 Real property losses and economic losses can only be determined by review of the circumstances of each individual case.
- DC-17 In response to public comment, Section 4.9 has been expanded to address this issue.
- DC-18 Additional information on this subject has been included in Section 4.3 of the EIS.
- DC-19 Sections 3.2 and 4.2 have been expanded in response to public comment to further explain the use of day-night average sound level measurements. In response to public comment, additional information on noise in relation to human health effects has been provided in Section 4.2.

Response to Comments
Received at Truth or Consequences, New Mexico,
10 July 1997

- TC-1 The proposed action would result in an increase in low-level training in the Rio Grande area near Truth or Consequences. Data on baseline operations in FY00 and operations under the proposed action are provided in Chapter 2 for the affected airspace.
- TC-2 The proposed action involves no property acquisition. The area that would be used for the proposed NTC is wholly contained within the boundaries of the existing McGregor Range.
- TC-3 The proposed action involves 30 GAF aircraft. This is in addition to the 12 GAF Tornado aircraft already at Holloman AFB. See Chapter 2.
- TC-4 Language is not considered a safety issue. In fact, English is the standard international aviation language.
- TC-5 None are required. English is the standard international aviation language.
- TC-6 Flights under this action would be conducted west of the San Mateo Mountains.
- TC-7 The maximum sound levels from subsonic low-flying military aircraft directly overhead may exert a force of a few ounces and would not affect the structural integrity of buildings or structures. Under some circumstances, supersonic flight may result in the generation of forces sufficient to cause physical damage. However, supersonic flight is not authorized on low-level MTRs, such as those that overlie Elephant Butte and Caballo dams. All supersonic activity under the proposed action, no more than 24 sorties per year airspace at altitudes above 10,000 feet MSL, would be confined to WSMR supersonic airspace, which is fully contained within WSMR restricted airspace. Elephant Butte and Caballo dams are more than 10 miles beyond the area where supersonic flight would occur on WSMR, and no damage to these structures would be anticipated.
- TC-8 The proposed action does not involve low-level supersonic operations.
- TC-9 This is beyond the scope of this EIS.

- TC-10 Impacts to domestic animals and wildlife have been identified and are discussed in Section 4.5 and Appendix J. In response to public comment, additional information on this subject has been included in Appendix J. As discussed, in some circumstances, low-level aircraft flight may result in incidental livestock startle that may or may not lead to livestock damage. The number of sorties at Holloman AFB would increase by about 4,300 sorties per year (17 sorties per day based on 250 flying days per year) under the proposed action relative to expected baseline level of activity in FY00. These sorties would be carried out in various airspace as described in Chapter 2. Most areas would receive relatively few additional sorties. In the case of VR-176, which overlies the area surrounding Truth or Consequences, New Mexico, the increase in activity would amount to about 2.5 additional sorties per flying day, as an average.
- TC-11 Under the West Otero Mesa training option, initial construction would disturb 1,104 acres.. Under the Tularosa Basin training option, initial construction would disturb 5,200 acres. During the operational use of the NTC, the disturbed area would be 1,104 acres. See Section 4.5 for biological impacts.
- TC-12 The procedure used to calculate the noise levels and their impacts represents the best available technology. The use of these procedures was reaffirmed as recently as 1992 by the Federal Interagency Committee on Noise (FICON, 1992), which included representatives of the Department of Defense, the Environmental Protection Agency, the Department of Transportation, the Department of Housing and Urban Development, and the Department of Veteran Affairs. Section 4.2 of the EIS details the noise modeling approach, the reliability of the noise predictions, and the accuracy of the noise predictions. The analytical approach and level of analysis for the McGregor Range area is considered to be appropriate for impact assessment.
- TC-13 Public access to McGregor Range may continue to be available during weekday hours when there is no military activity. Access to the NTC impact area, however, would be precluded. Additional information and analysis of impacts to grazing are provided in Sections 3.3, 3.9, 4.3, and 4.9.
- TC-14 The newly adopted air quality standards will be implemented by the New Mexico and Texas State agencies at a future date. At that time Holloman AFB will comply with applicable requirements.
- TC-15 If U.S. law is violated by a member of the German forces, the violation would be legally addressed and dealt with by that country determined to have jurisdiction in accordance with the NATO Status

of Forces Agreement and bilateral arrangements between the United States and Germany.

- TC-16 Language is not considered a safety issue. In fact, English is the standard international aviation language.
- TC-17 The Air Force is required to comply with the Endangered Species Act. The Air Force is currently consulting with U.S. Fish and Wildlife Service (Section 7 of the Endangered Species Act) to determine potential impacts.
- TC-18 Language is not considered a safety issue. In fact, English is the standard international aviation language.
- TC-19 Airspace management and safety issues are examined in Sections 4.1 and 4.13 of the EIS.
- TC-20 A "weekend training option" is not considered to be materially different, in most respects, from the Existing Range training option assessed under the proposed action. In neither case would a new target complex be constructed, and airspace use would be similar. Since the total number of sorties would be similar, environmental impacts related to airspace use would also be similar. A weekend training option would, however, require a substantial buildup of support personnel at Holloman AFB. In addition, a change to a routine weekend-training regimen would, in peacetime, result in unwarranted hardship on the family life of U.S. Air Force aircrew and support personnel. As with the Existing Range training option, this option would result in a reduction in training effectiveness, and would require some components of the Tornado training syllabus to be met elsewhere. Since a weekend training option would yield no training benefit other than that which could be obtained through a less costly and morale-damaging option, it was concluded that there would be no merit in examining this option in detail.
- TC-21 The Air Force is currently consulting with U.S. Fish and Wildlife Service (Section 7 of the Endangered Species Act) to determine potential impacts.
- TC-22 A "weekend training option" is not considered to be materially different, in most respects, from the Existing Range training option assessed under the proposed action. In neither case would a new target complex be constructed, and airspace use would be similar. Since the total number of sorties would be similar, environmental impacts related to airspace use would also be similar. A weekend training option would, however, require a substantial buildup of

support personnel at Holloman AFB. In addition, a change to a routine weekend-training regimen would, in peacetime, result in unwarranted hardship on the family life of U.S. Air Force aircrew and support personnel. As with the Existing Range training option, this option would result in a reduction in training effectiveness, and would require some components of the Tornado training syllabus to be met elsewhere. Since a weekend training option would yield no training benefit other than that which could be obtained through a less costly and morale damaging option, it was concluded that there would be no merit in examining this option in detail.

- TC-23 Data on personnel based at Holloman are provided in Table 2.1-2 of the EIS.
- TC-24 The proposed action does not involve the acquisition of public land. All lands directly involved in the development of a new target complex are within the existing boundaries of McGregor Range. The U.S. Army would continue to control and manage this property.
- TC-25 The regulation that implements NEPA (40 CFR 1500-1508) provides a lengthy definition of "significantly." In summary, it states that significantly "requires consideration of both context and intensity."
- TC-26 The proposed action does not involve the acquisition of public land. All lands directly involved in the development of a new target complex are within the existing boundaries of McGregor Range. The U.S. Army would continue to control and manage this property.
- TC-27 Property that would be used for the new target complex is part of the existing McGregor Range. The proposed action does not involve the acquisition of private lands.
- TC-28 All supersonic activity under the proposed action, no more than 24 sorties per year airspace at altitudes above 10,000 feet MSL, would be confined to WSMR supersonic airspace, which is fully contained within WSMR restricted airspace. Elephant Butte and Caballo dams are more than 10 miles from the land boundaries of WSMR. At this distance the force from sonic booms from aircraft under the proposed action would not be sufficient to cause damage to these structures.
- TC-29 The purpose and need for the proposed action are fully addressed in Chapter 1.
- TC-30 The EIS contains additional information on impacts to residents east of McGregor Range (see Sections 4.3 and 4.4). It is not expected that relocation would be necessary. However, real property losses and

economic losses can only be determined by review of the circumstances of each individual case.

- TC-31 Section 4.3 has been expanded to further address land use compatibility with proposed operations.
- TC-32 Tables 4.2-1 and 4.2-2 in the EIS present the sound levels for the different types of military aircraft. Additional information on human health effects, including hearing damage, has been provided in Section 4.2.
- TC-33 Section 3.2 has been expanded in response to public comments to further explain the use of day-night average sound level measurements. The procedure used to calculate the noise levels and their impacts represents the best available technology. The use of these procedures was reaffirmed as recently as 1992 by the Federal Interagency Committee on Noise (FICON, 1992), which included representatives of the Department of Defense, the Environmental Protection Agency, the Department of Transportation, the Department of Housing and Urban Development, and the Department of Veteran Affairs.
- TC-34 A "weekend training option" is not considered to be materially different, in most respects, from the Existing Range training option assessed under the proposed action. In neither case would a new target complex be constructed, and airspace use would be similar. Since the total number of sorties would be similar, environmental impacts related to airspace use would also be similar. A weekend training option would, however, require a substantial buildup of support personnel and at Holloman AFB. In addition, a change to a routine weekend-training regimen would, in peacetime, result in unwarranted hardship on the family life of U.S. Air Force aircrew and support personnel. As with the Existing Range training option, this option would result in a reduction in training effectiveness, and would require some components of the Tornado training syllabus to be met elsewhere. Since a weekend training option would yield no training benefit other than that which could be obtained through a less costly and morale damaging option, it was concluded that there would be no merit in examining this option in detail.
- TC-35 Populated areas are to be avoided in accordance with Air Force instructions and any special operating procedures identified for military training airspace. Non-compliance with these instructions should be reported to the Public Affairs Office at Holloman AFB (505-475-5406).

TC-36 The EIS addresses both socioeconomic and general environmental impacts.

TC-37 The variety of Air Force activities in the region are not a part of a single program or policy initiative regarding training and airspace use. Separate analyses of these various activities will adequately assess their combined cumulative impacts. Consequently, a programmatic EIS is not needed.

TC-38 The commenter is correct in that, for most purposes a cumulative measure of noise is indeed the appropriate metric. (This is particularly true for purposes of evaluating human impact due to a changing noise environment associated with jet aircraft overflight.) This is because the proposed action would not result in a change in aircraft type or operational use of most airspace over conditions that would prevail in FY00. As a result, noise levels experienced by a ground observer during individual overflights would not change; that is, the single-event noise levels would be the same with or without the proposed action. However, under the proposed action the number of sorties to specific airspace would change. As a result, the overall noise environment (the "cumulative" effect referred to in the comment) would also change. It is these cumulative noise effects that are of concern in evaluating the effects of the proposed action on the human population.

The expected changes in cumulative noise levels under the proposed action are projected in Section 4.2 of the EIS. Under the NTC training options, including the preferred option (West Otero Mesa NTC), the projected changes would be less than 3 dB (L_{dnmr}). Generally, these changes would be imperceptible to the human ear. In no case would the NTC training options result in a change in noise levels that would be considered substantial, and no significant impact on the human population would be expected. This conclusion remains the same under the Existing Range training option. No substantial change in noise levels would be expected in most areas. Several areas would, however, receive changes of more than 7 dB, a substantial increase. In none of these instances would the resulting noise levels exceed 65 dB.

TC-39 Under the West Otero Mesa training option, initial construction would disturb 1,104 acres. Under the Tularosa Basin training option, initial construction would disturb 5,200 acres. During the operational use of the NTC, the disturbed area would be 1,104 acres. See Section 4.5 for biological impacts.

- TC-40 This is discussed in Sections 3.3 and 4.3.
- TC-41 As indicated in Section 4.3, access to the range may be available during weekday hours when there is no military activity.
- TC-42 Initially, 12 areas were identified as possible candidate target locations within which an NTC could be constructed to support the proposed action. These 12 candidate target locations included an area on WSMR (Location 12), an area on Doña Ana Range (Location 9) and an area on McGregor Range (Location 10). Factors considered in the selection process are presented in Chapter 2.
- TC-43 Comment noted.
- TC-44 Additional information on historical land use has been incorporated into Section 3.3.
- TC-45 The EIS has been revised where appropriate, when comments have been made concerning specific errors or misunderstandings. The Air Force has made every effort to accurately portray conditions and impacts pursuant to the proposed action training options.
- TC-46 The route west of Truth or Consequences would be affected by the proposed action. (See Chapter 2). However, supersonic flight is not authorized on military training routes. All supersonic activity under the proposed action, no more than 24 sorties per year airspace at altitudes above 10,000 feet MSL, would be confined to WSMR supersonic airspace, which is fully contained within WSMR restricted airspace.

Response to Comments
Received at Fort Sumner, New Mexico,
11 July 1997

- FS-1 Melrose Range lies closer to Ft. Sumner (about 25 miles) than to Clovis, NM (about 35 miles).
- FS-2 The Reese Military Operations Area (MOA) would not be used under this action.
- FS-3 Section 2.1 describes low-level training requirements.
- FS-4 The sound level of a low-flying military aircraft is primarily dependent on the speed of the aircraft, the altitude, and the horizontal distance as measured from directly under the flightpath to the receiver (sideline distance). It is possible that an F-16 may seem louder than an F-111 depending on the situation of the two aircraft.
- FS-5 See Section 4.2, Noise.
- FS-6 The commenter is correct in the observation that data on the response of ostriches to aircraft noise are sparse. However, additional information concerning the response of domestic animals to aircraft noise has been included in Appendix J. This represents the best available data that can be used to assess issues related to the response of domestic animals to noise.
- FS-7 Comment noted.

Response to Comments
Received at Carrizozo, New Mexico,
12 July 1997

- CZ-1 The Memorandum of Agreement between the U.S. and Germany, which clarifies funding responsibilities for the proposed action, has been added to the EIS as Appendix A. The United States would pay for those elements of the proposed action that directly benefit the U.S. Air Force. U.S. aircrew training, for example, would benefit from use of the new target complex (NTC); 40 percent of the costs of the NTC would be paid for by the U.S.
- CZ-2 Section 4.13 has been expanded to address this issue.
- CZ-3 Airspace management and safety issues are addressed in Section 4.13. The proposed action does not involve any change in airspace structure.
- CZ-4 The issue of discomfort from noise is addressed in Appendix D.
- CZ-5 Additional information and analysis of impacts on grazing have been included in Sections 3.3 and 4.3 of the document. Implementation of the West Otero Mesa training option would preclude grazing within the 5,120-acre impact area. Grazing would continue to be permitted on other existing grazing lands on west Otero Mesa.
- CZ-6 Property damage and associated economic losses can only be determined by review of the circumstances of the individual case.
- CZ-7 The Memorandum of Agreement between the U.S. and Germany, which clarifies funding responsibilities for the proposed action, has been added to the EIS as Appendix A. The United States would pay for those elements of the proposed action which directly benefit the U.S. Air Force. U.S. aircrew training, for example, would benefit from use of the NTC; 40 percent of the costs of the NTC would be paid for by the U.S.
- CZ-8 The proposed action does not involve the designation or expansion of military airspace. No change in airspace structure or permitted flight altitudes would be required to support the proposed action. Use of existing military airspace would change as described in Chapter 2 of the EIS. Under the preferred training option (West Otero Mesa NTC), use of airspace in the area north of Carrizozo would increase by about four sorties per day, or about 25 percent above expected FY00 use.

Airspace management and safety issues related to these changes are addressed in Sections 4.1 and 4.13.

- CZ-9 Section 4.2 has been expanded to provide additional information on the possible health effects of aircraft noise.
- CZ-10 The model used for these analyses (MRNMAP) incorporates the best available technology for noise prediction for military aircraft flight. The results obtained with the model have been validated with data obtained from noise monitoring studies for more than 10 MTRs. The Air Force is satisfied that the model accurately predicts noise levels that would result from a given level of aircraft activity on MTRs.
- CZ-11 Impacts to domestic animals and wildlife have been identified and are discussed in Section 4.5 and Appendix J. In response to public comment, additional information on this subject has been included in Appendix J. As discussed, in some circumstances, low-level aircraft flight may result in incidental livestock startle that may or may not lead to livestock damage.
- CZ-12 The purpose and need for this action are fully discussed in Chapter 1.
- CZ-13 The changes in aircraft and operation levels are described in Chapter 2 of the EIS.
- CZ-14 Section 3.2 has been expanded in response to public comment to further explain the use of day-night average sound level measurements. Sound levels of Tornado aircraft are also provided in Section 4.2.
- CZ-15 The maximum noise levels under the proposed action that would be achieved by military aircraft at 100 feet AGL would be under 130 dB. Studies have shown that there is the potential for structural damage at noise levels above 130 dB.
- CZ-16 Additional information on human health effects, including hearing damage, has been provided in Section 4.2.
- CZ-17 It is highly unlikely that the thermoregulatory mechanism of any animal would not be able to compensate for the heat induced by exposure to by radio frequency energy. This is due to the fact that they would not be exposed to direct impingement of a radar beam for a sufficient period of time to cause permanent damage.

Response to Comments
Received at received at Alamogordo, New Mexico,
13 July 1997

- AG-1 Chapter 1 fully addresses the purpose and need of the proposed action.
- AG-2 The meaning of the term "nearby" is context-specific. As used in the presentation, "nearby" referred to the immediate vicinity of the centerline of the MTRs. Data on the sound levels that would be expected at various distances from the line of passage due to individual overflight have been added to the EIS (see Section 4.3). These data can be used to judge how noise levels from individual overflights decrease with distance from the line of passage, thereby giving context to the term "nearby".
- AG-3 Altitude profiles are provided in Chapter 2.
- AG-4 "Hush houses" are routinely used at AFB to mute noise from jet engines during testing and repair. The use of such devices, however, is not practicable during flight. Under flight conditions, the Air Force relies primarily on aircraft design to minimize noise emissions as much as possible. Indeed, advanced fighter designs, using "stealth" techniques, have made considerable strides in reducing aircraft noise. Nonetheless, jet aircraft continue to produce substantial noise levels. To the extent practicable, the Air Force seeks to minimize noise levels from jet aircraft overflight through the avoidance of sensitive locations.
- AG-5 The Memorandum of Agreement between the U.S. and Germany, which clarifies funding responsibilities for the proposed action, has been added to the EIS as Appendix A. The United States would pay for those elements of the proposed action which directly benefit the U.S. Air Force. U.S. aircrew training, for example, would benefit from use of the new target complex (NTC); 40 percent of the costs of the NTC would be paid for by the U.S.
- AG-6 The meaning of the term "nearby" is context-specific. As used in the presentation, "nearby" referred to the immediate vicinity of the centerline of the MTRs. Data on the sound levels that would be expected at various distances from the line of passage due to individual overflight have been added to the EIS (see Section 4.3). These data can be used to judge how noise levels from individual overflights decrease with distance from the line of passage, thereby giving context to the term "nearby".

- AG-7 Figures 3.2-1 through 3.2-3 present the noise contours surrounding Holloman Air Force Base. The noise contours are developed from a computer model and are not derived from measurements and therefore do not require depicting error bars or measures of deviation from the median.
- AG-8 The noise contours referred to are generated using computer models. While these models have been extensively tested and verified with empirical data, the noise contours depicted do not represent measured values.
- AG-9 Purpose and need for the proposed action is discussed in Chapter 1. While the proposed action is intended to support national military objectives, those objectives are not the subject of the EIS.
- AG-10 Additional information is provided in Section 4.5 to clarify vegetation losses under the proposed action.
- AG-11 In response to public comments, information on wind dispersal has been included in the EIS (see Section 4.4). Inert/subscale munitions, however, do not generate more than trace amounts of munition residues. Wind dispersal of such residues would not be measurable. Live munitions generate somewhat more residue, but the amount is still considered negligible. During the combustion process of high explosive materials, consumption approaches 100 percent. Therefore, residues are negligible.
- AG-12 In response to public comment, additional information on the nature of TNT has been incorporated in the EIS (see Section 3.13.1.2).
- AG-13 The flight profiles provided in Table 2.1-8 present airspeeds and altitudes characteristic of operations in the affected airspace for the proposed action. The procedures and source terms used in the analyses represent the best available technology and most appropriate data for the analyses involved. The maximum noise levels under the proposed action that would be achieved by military aircraft at 100 feet AGL would be under 130 dB. Studies have shown that there is the potential for structural damage at noise levels above 130 dB.
- AG-14 In response to public comment, Sections 3.3, 4.3, 3.9, and 4.9 have been expanded to give further consideration to rural conditions.
- AG-15 Data on the number of sorties and flight duration for individual sorties are provided in Chapter 2. It is difficult to predict the precise interval between overflights of a particular point on the ground.

This is because flying requirements vary over the duration of a training course, because flights are not flown on weekends, and because in some instances sorties may be flown in multiple ship formations. In addition, sorties are distributed about the centerline of a route; particularly on wide routes, it is unlikely that successive sorties would overfly the same point. These factors make it difficult to precisely predict the interval between sorties that a ground-based observer might experience.

- AG-16 Property damage and associated economic losses can only be determined by review of the circumstances of the individual case. Information on filing claims for damages can be obtained by contacting the Holloman Public Affairs Office at 505-475-5406.
- AG-17 Section 3.2 has been expanded in response to public comment to further explain the use of day-night average sound level measurements. Sound levels of Tornado aircraft are also provided in Section 4.2.
- AG-18 Potential impacts to these species are addressed in Section 4.5 and Appendix J. Additional information has been provided in the EIS.
- AG-19 Impacts related to increased use of the highway system due to increases in personnel at Holloman AFB are evaluated in Section 4.10.
- AG-20 As indicated in Section 4.3, access to the range may be available during weekday hours when there is no military activity.
- AG-21 Air Force personnel met with Otero County officials on eight occasions to discuss the proposed action, exchange information, and provide them with an opportunity to contribute to the process. Five copies of the Draft EIS were provided to the Otero County Commission on June 20, 1997, the first day of the comment period.
- AG-22 The information provided by the Otero County Commission concerning customs, culture, and related topics was used in the development of land use analysis in the Draft EIS. Some of these materials were considered to be informal documentation and could not be referenced. Based on the review of these materials, topics of particular concern, such as grazing rights, were addressed in the Draft EIS. In response to public comment, additional information on these topics has been included in the Final EIS.
- AG-23 Air Force personnel met with Otero County officials on eight occasions to discuss the proposed action, exchange information, and

provide them with an opportunity to contribute to the process. Five copies of the Draft EIS were provided to the Otero County Commission on June 20, 1997, the first day of the comment period.

- AG-24 In response to public comments, further information on this subject has been added to Section 4.5.
- AG-25 The proposed action does not involve the acquisition of privately held land. The area that would be used for an NTC is within the boundaries of the existing McGregor Range. Portions of this area are used by private individuals through arrangement with the Bureau of Land Management (BLM), U.S. Forest Service, and Fort Bliss, for purposes of cattle grazing, hunting, and recreation. Access to the area by private citizens is through the issuance of grazing or other permits. The development of an NTC on McGregor Range would have no impact on the proportion of privately deeded land.
- AG-26 In response to public comment, Section 4.9 has been expanded to address this issue.
- AG-27 The Air Force is ultimately responsible for ensuring the analysis in full compliance with the NEPA.
- AG-28 Issues related to "suburbia" would be considered under the category of socioeconomic resources. The socioeconomic region of influence for the proposed action includes Otero and Doña Ana counties in New Mexico, and El Paso County in Texas. Considerable detail is provided concerning socioeconomic conditions within this region. The characterization of the region of influence is adequate to meet the needs of the impact analysis required under NEPA.
- AG-29 Additional information on issues related to water supply and historical use have been incorporated into Sections 3.3, 3.7, 4.3, and 4.7.
- AG-30 PL 99-606 includes provisions for extending the withdrawal after the 15-year period.
- AG-31 The Bureau of Land Management made this recommendation in the New Mexico Wilderness Study Report, 1991. Section 3.3 of the EIS has been modified to include this citation.
- AG-32 Section 3.2 has been expanded in response to public comments to further explain the use of day-night average sound level measurements.

- AG-33 Ft. Bliss would have primary responsibility for the management of McGregor Range. However, day-to-day operations and management of the NTC in general would be the responsibility of the Air Force. The NTC would be managed in much the same manner as the existing Red Rio and Oscura impact areas. Chapter 2 of the EIS has been expanded to reflect this information. The proposed action does not involve the acquisition of private property.
- AG-34 The EIS addresses groundwater issues in Section 4.7. The proposed action is not expected to have a significant effect on water supply and demand.
- AG-35 Portions of the affected MTRs in both west Texas and New Mexico were modified under a previous proposal with separate environmental analysis.
- AG-36 Aircraft turbulence from low-level overflight (also known as "wing-tip vortices") is a very localized phenomenon. The vortices quickly abate with time and distance from the aircraft. The Air Force makes every effort to avoid overflight of human beings by 500 feet as required by FAA and USAF regulations.
- AG-37 Impacts to domestic animals and wildlife have been identified and are discussed in Section 4.5 and Appendix J. In response to public comment, additional information on this subject has been included in Appendix J. As discussed, in some circumstances, low-level aircraft flight may result in incidental livestock startle that may or may not lead to livestock damage.
- AG-38 Alternatives to the proposed action are considered in Chapter 2. This alternative was considered, but was not considered significantly different from the Existing Range training option. It was not, therefore, carried forward for detailed consideration.
- AG-39 Public access to McGregor Range may continue to be available during weekday hours when there is no military activity. Access to the NTC impact area, however, would be precluded.
- AG-40 It should be noted that the use of the restricted airspace above McGregor Range predates the establishment of Culp Wilderness Study Area, and that this pre-existing military activity was considered as a possible reason for not making it a Wilderness Area. Further, under the NTC training options, proposed aircraft activity would be concentrated tightly along the proposed flight patterns. As shown in Figure 4.2-4, noise levels would drop off rapidly with distance from the centerline of the flight pattern, and would return to baseline

levels within less than a mile of the centerline. The nearest border of the Culp WSA is two to three miles from the closest flight pattern for the Tularosa Basin NTC, and more than five miles for the closest flight pattern for the West Otero Mesa NTC. Thus, noise levels at Culp Canyon WSA would not be affected by the proposed action.

- AG-41 The Air Force is participating in consultation with the USFWS concerning threatened and endangered species. The text of the EIS takes into account information developed during this process.
- AG-42 Air Force personnel met with Otero County officials on eight occasions to discuss the proposed action, exchange information, and provide them with an opportunity to contribute to the process. Five copies of the Draft EIS were provided to the Otero County Commission on June 20, 1997, the first day of the comment period.
- AG-43 Because most of the German families rent housing, they do not directly pay property taxes. However, their rent goes to the landlords who are paying property taxes.
- AG-44 Potential impacts to livestock are described in Section 4.5 and Appendix J.
- AG-45 Sections 3.13 and 4.13 of the EIS address mishap rates of Tornado aircraft.
- AG-46 Safety practices and procedures applicable to ordnance use are discussed in Section 3.13.
- AG-47 In both the United States and German Air Forces, all personnel are trained and fully qualified for the tasks they perform in supporting the operation and maintenance of their applicable aircraft.
- AG-48 GAF personnel would be subject to the same criminal and civil laws as USAF pilots.
- AG-49 Additional information and analysis of grazing activities on McGregor Range have been included in the document in Sections 3.3 and 4.3.
- AG-50 Section 4.3 of the EIS addresses the potential impacts on maintenance activities for these grazing units.
- AG-51 Coyotes were not included in the text or tables because of their broad distribution; the text has been modified to include this species. Badgers are listed on Table 3.5-3 (p. 3-80 of the Draft EIS). Lions are

listed in Table 3.5-1 (p. 3-67 of the Draft EIS). Foxes are listed on Table 3.5-4.

- AG-52 Section 4.3 of the EIS addresses the potential impacts on maintenance activities for these grazing units.
- AG-53 Additional information on historical use has been incorporated into Section 3.3.
- AG-54 PL 99-606 also includes provisions for extending the withdrawal after the 15 year period.
- AG-55 The Bureau of Land Management made this recommendation in the New Mexico Wilderness Study Report, 1991. Section 3.3 of the EIS has been modified to include this citation.
- AG-56 Section 3.2 has been expanded in response to public comment to further explain the use of day-night average sound level measurements. Sound levels of Tornado aircraft are also provided in Section 4.2.
- AG-57 Ft. Bliss would have primary responsibility for the management of McGregor Range. However, day-to-day operations and management of the NTC in general would be the responsibility of the Air Force. The NTC would be managed in much the same manner as the existing Red Rio and Oscura impact areas to include regular cleanup. Chapter 2 of the EIS has been expanded to reflect this information.
- AG-58 The range of potential effects of an aircraft accident is discussed in Section 3.13.
- AG-59 S. Browning, Planning Coordinator, Otero County, is listed under personal communications. Ruth Hooser, County Manager, Otero County, was contacted and provided information for Table G.2.6-2. Air Force personnel met with Otero County officials on eight occasions to discuss the proposed action, exchange information, and provide them with an opportunity to contribute to the process. Copies of the Draft EIS were provided to the Otero County Commission on 20 June 1997, the first day of the public comment period. Sections 3.3 and 4.3 include a summary of the topics of concern in the Otero County documentation and anticipated effects of the action on these uses.

APPENDIX A
PUBLIC/MEDIA NOTIFICATIONS

APPENDIX A
SAMPLE DOCUMENTS

1. Notice Of Availability
2. Press Release
3. Public Service Announcement
4. Notification Letters
5. Fact Sheets
6. Sign-In Sheet
7. Written Comment Sheet
8. Registration Card

1. Notice of Availability

NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR THE PROPOSED EXPANSION OF GERMAN AIR FORCE OPERATIONS AT HOLLOMAN AFB, NEW MEXICO

The United States Air Force (Air Force), in accordance with the National Environmental Policy Act, has prepared an Environmental Impact Statement for the proposed beddown of 30 additional German Air Force Tornado aircraft and associated operations at Holloman Air Force Base (AFB), New Mexico. The U.S. Army is a cooperating agency for this analysis.

The document analyzes the potential environmental impacts of establishing a German Air Force Replacement Training Unit (RTU) at Holloman AFB, New Mexico. The proposed action would include the beddown of 30 German Air Force Tornado aircraft and location of 640 additional personnel at Holloman AFB and the construction of associated support facilities. In order to meet the training needs of the Tornado aircrews, three training options are being considered:

- Constructing a new target complex in the western Otero Mesa portion of the McGregor Range, located in southern New Mexico, for air-to-ground training. The target complex would be comprised of a 2-by-4-square-mile impact area within a 12-by-15-square-mile safety area. Construction activities would be primarily confined to a 5,120-acre impact area.
- Constructing a new target complex in the Tularosa Basin portions of McGregor Range, located in southern New Mexico, for air-to-ground training. The target complex would be comprised of a 2-by-4-square-mile impact area within a 12-by-15-square-mile safety area. Construction activities would be primarily confined to a 5,120 acre impact area.
- Using existing target areas for air-to-ground training. Under this option, a new target complex would not be constructed. Air-to-ground weapons training would use the existing ranges and target complexes on White Sands Missile Range and Melrose Range.

The document also presents an analysis of environmental impacts under the No-Action alternative.

The 45-day public comment period on the DEIS begins on the date of publication of the Notice of Availability in the *Federal Register*. Public hearings are scheduled for the following dates and locations:

July 7, 1997 (Monday), Alpine Civic Center, Alpine, Texas, 6:00–10:00 p.m.

July 8, 1997 (Tuesday), Dell City Community Building, Dell City, Texas, 6:00–10:00 p.m.

July 9, 1997 (Wednesday), Truth or Consequences Civic and Activity Center, Truth or Consequences, New Mexico, 6:00–10:00 p.m.

July 10, 1997 (Thursday), Fort Sumner Community House, Fort Sumner New Mexico, 6:00–10:00 p.m.

July 11, 1997 (Friday), Lincoln County Commission Chambers, Carrizozo, New Mexico, 6:00–10:00 p.m.

July 12, 1997 (Saturday), Ditzler Auditorium, Alamogordo, New Mexico, 9:00 a.m.–1:00 p.m.

Written comments on this document should be directed to U.S. Air Force, Headquarters Air Combat Command, 129 Andrews Street, Suite 102, Langley Air Force Base, Virginia 23665-2769, ATTN: Sheryl K. Parker. For telephone inquiries, please contact (757) 764-3328.

2. Press Release

For Immediate Release

AIR FORCE ANNOUNCES PUBLIC HEARINGS FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT ON EXPANSION OF GERMAN AIR FORCE OPERATIONS AT HOLLOMAN AIR FORCE BASE

The United States Air Force announced today that it will conduct public hearings in connection with the newly released Draft Environmental Impact Statement (DEIS) for the Expansion of German Air Force Operations at Holloman Air Force Base (AFB), New Mexico. The hearings will be held at four locations in New Mexico and two in Texas. The document will be available for review at many public and university libraries in New Mexico and West Texas throughout the public comment period, which began June 20 and extends for 45 days until August 4.

The document analyzes the potential environmental impacts of establishing a German Air Force Replacement Training Unit (RTU) at Holloman AFB, New Mexico. The proposed action would include the beddown of 30 German Air Force Tornado aircraft and location of 640 additional personnel at Holloman AFB and the construction of associated support facilities. The three options being considered to meet the air-to-ground training requirements include (1) establishing a new tactical target complex on the west edge of Otero Mesa within the McGregor Range in southern New Mexico, (2) establishing a new tactical target complex within the Tularosa Basin portion of McGregor Range, or (3) using only existing target ranges. Aircraft would access either of the proposed ranges or existing ranges using existing military training routes.

The EIS is being prepared in compliance with the National Environmental Policy Act of 1969. The Air Force invites elected officials, government agency representatives, and private citizens to participate in the public hearings to provide comments on the environmental issues addressed in the Draft EIS. Comments at the public hearings on the Air Force's proposal will be considered and responded to in the Final EIS, scheduled for completion in November 1997. The environmental issues analyzed in the EIS will be used in the decision-making process. Comments received at the public hearings or at any time throughout the environmental impact analysis process will be considered to the extent possible in the preparation of the EIS. A Record of Decision on the proposed action is projected for December 1997.

Anyone wishing to submit verbal or written comments may present them at the public hearings, to be held July 7, Alpine Civic Center, 801 W. Holland, Alpine, Texas; July 8, Dell City Community Building, 100 W. Orange, Dell City, Texas; July 9, Truth or Consequences Civic and Activity Center, 400 W. Fourth, Truth or Consequences, New Mexico; July 10, Fort Sumner Community House, 1204 N. Fourth, Fort Sumner, New Mexico; July 11, Lincoln County Commission Chambers, 300 Central, Carrizozo, New Mexico; and July 12, Ditzler

Auditorium, 1900 N. White Sands Boulevard, Alamogordo, New Mexico. All hearings will be held from 6:00 to 10:00 p.m., with the exception of the Alamogordo meeting, which will be held from 9:00 a.m. to 1:00 p.m.

Written comments may also be mailed to the attention of Ms. Sheryl Parker, Air Combat Command Environmental Analysis Branch, HQ ACC/CEVA, Langley Air Force Base, Virginia 23665-2769. For further information on hearings or document locations, contact Holloman AFB Public Affairs at (505) 475-5406.

(end)

3. Public Service Announcement

PUBLIC SERVICE ANNOUNCEMENT

THE AIR FORCE WILL CONDUCT A PUBLIC HEARING ON ITS RECENTLY RELEASED DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR EXPANDING GERMAN AIR FORCE OPERATIONS AT HOLLOMAN AIR FORCE BASE. THE MEETING WILL BE HELD ON JULY _____ AT _____ FROM 6 TO 10 P.M.

AIR FORCE REPRESENTATIVES WILL PRESENT INFORMATION ON ENVIRONMENTAL IMPACTS OF ITS PLAN TO LOCATE 30 ADDITIONAL GERMAN AIR FORCE AIRCRAFT AT HOLLOMAN AIR FORCE BASE. THE PUBLIC IS INVITED TO PROVIDE COMMENTS ON ENVIRONMENTAL ISSUES DESCRIBED IN THE DOCUMENT THAT ARE ASSOCIATED WITH THE PROPOSED AIR FORCE ACTION. FOR MORE INFORMATION, CONTACT HOLLOMAN PUBLIC AFFAIRS AT 505-475-5406.

(Radio stations in Alamogordo, Alpine, Carrizozo, Dell City, Fort Sumner, and Truth or Consequences will receive appropriate copy reflecting meetings dates and locations in those towns.)

4. Notification Letters

June 20, 1997

Dear Community Member:

The Air Force plans to conduct public hearings in Alpine and Dell City, Texas, and in Truth or Consequences, Fort Sumner, Carrizozo, and Alamogordo, New Mexico, on the recently released Draft Environmental Impact Statement (DEIS) for the Proposed Expansion of German Air Force Operations at Holloman Air Force Base (AFB), New Mexico. The Air Force invites you to participate in these public hearings.

The document analyzes the potential environmental impacts of establishing a German Air Force Replacement Training Unit (RTU) at Holloman AFB, New Mexico. The proposed action would include the beddown of 30 German Air Force Tornado aircraft and location of 640 additional personnel at Holloman AFB and the construction of associated support facilities.

The three options being considered to meet the air-to-ground training requirements include (1) establishing a new tactical target complex on the west edge of Otero Mesa within the McGregor Range in southern New Mexico, (2) establishing a new tactical target complex within the Tularosa Basin portion of McGregor Range, or (3) using only existing target ranges. Aircraft would access either of the proposed ranges or existing ranges using existing military training routes.

The DEIS examines potential impacts on the environment from each of the proposed action options. Also examined are environmental impacts of the No-Action alternative, which analyzes the environment as is, without the additional aircraft, personnel relocation, training options, or change in airspace use. Areas of environmental impact analysis include land use, biological resources, soils, air quality, cultural resources, noise, safety, and other categories of study.

The Air Force is conducting the public hearings as outlined in the Council on Environmental Quality (CEQ) Regulations implementing the National Environmental Policy Act (NEPA). They are designed to gather public comment on the DEIS and are being held in communities in the vicinity of Holloman AFB, McGregor Range, and other areas in the region that may be affected by the proposal.

During the hearings, the Air Force will present information about the proposed action and No-Action alternatives, potential environmental impacts, and the EIS process and will invite comments on environmental issues that are contained in the draft document. The schedule for the scoping meetings is as follows:

Locations	Date	Site	Time
Alpine	July 7, 1997	Alpine Civic Center 801 W. Holland	6-10 p.m.
Dell City	July 8, 1997	Dell City Community Building 100 W. Orange	6-10 p.m.
Truth or Consequences	July 9, 1997	Truth or Consequences Civic and Activity Center 400 W. Fourth	6-10 p.m.
Fort Sumner	July 10, 1997	Fort Sumner Community House 1204 N. Fourth	6-10 p.m.
Carrizozo	July 11, 1997	Lincoln County Commission Chambers 300 Central	6-10 p.m.
Alamogordo	July 12, 1997	Ditzler Auditorium 1900 N. White Sands Boulevard	9 a.m.-1 p.m.

For the environmental impact process to be effective, your participation is needed during these public hearings. If your attendance at one of the hearings is not possible, comments may be mailed to Ms. Sheryl K. Parker, HQ ACC/CEVA, 129 Andrews Street, Suite 102, Langley Air Force Base, Virginia 23665-2769. The 45-day public comment period for the DEIS began June 20 and ends August 4. If you have any questions or need further information, please contact the Holloman Air Force Base Public Affairs Office at (505) 475-5406 or write to me at the above address.

Sincerely,

Sheryl K. Parker
HQ Air Combat Command
EIS Project Officer

Attachments:

Notice of Availability, June 20, 1997
Document Availability List

5. Fact Sheets



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations at Holloman Air Force Base, New Mexico

OVERVIEW

The U.S. Air Force has prepared a draft environmental impact statement to examine potential environmental consequences in connection with the proposed Expansion of German Air Force Operations at Holloman Air Force Base (AFB), New Mexico.

The draft environmental impact statement was prepared under the guidelines of the National Environmental Policy Act, which requires federal agencies to consider environmental consequences when they plan major actions. In accordance with the Act, the Air Force must follow a series of steps during the development of the environmental impact statement, including providing opportunities for the public to provide comments. The information the U.S. Air Force obtains through environmental analyses and from the input received from the public will assist it in the decision making concerning the proposed action and alternatives.

What the Air Force is Proposing

In order to further mutual U.S.-German bilateral goals, the Air Force is proposing to increase the scope of an agreement with the Federal Republic of Germany to provide training to the German Air Force at Holloman AFB. The proposed German Air Force expansion would establish a German Air Force Replacement Training Unit at Holloman. The replacement training unit is a school for Tornado aircrews. Under the proposed action, 30 additional German Tornado aircraft and 640 additional support personnel (approximately 1,500 including family members) would be located at Holloman.

The proposal would involve facility construction and associated operations at the base. New construction required as a result of this action would be located either adjacent to existing base facilities or sited on those areas of the base that are already developed.

To achieve proficiency, U.S. and German Air Force aircrews must be able to perform airfield approaches and departures (including "touch-and-gos") and specialized combat maneuvers, including low-level navigation along Military Training Routes and air-to-air combat in restricted airspace and Military Operations Areas.

Part of the Tornado aircrews' training includes air-to-ground munitions delivery. Therefore, the use of air-to-ground targets, target complexes, and ranges is a key part of the training "syllabus."

The proposed action has three air-to-ground munitions delivery training options. Two of them involve construction of a new target complex on McGregor Range, within the Fort Bliss Military Reservation south of Alamogordo, New Mexico. One location option is on west Otero Mesa, and the other is within the Tularosa Basin portion of McGregor Range. The third training option relies on use of existing ranges, Red Rio and Oscura, on White Sands Missile Range and the Melrose Range. The German Air Force would be primary users of a new target complex, if that training option were selected.

The No-Action Alternative

In addition to studying the potential environmental consequences of the proposed action, the U.S. Air Force will evaluate the "no-action" alternative of not locating 30 additional German Tornado aircraft, support personnel, equipment, and associated facilities at Holloman, and not constructing a new air-to-ground target complex or increasing use of existing ranges.

The decision about the proposed action in the environmental impact statement is scheduled to be made by the Secretary of the Air Force in December 1997.

About Holloman Air Force Base

Holloman AFB was first known as Alamogordo Army Air Field when it opened as a temporary war-time facility in 1942. Two years later, it became a training center for replacement crews for bombardment groups. With the birth of the atomic age and the conception of the space age, the base's size, isolation, and general weather conditions made it an ideal locale for continued use in furthering U.S. national security goals and meeting its military needs. In 1948, the base was renamed in honor of the late Colonel George V. Holloman.

Today, activities at the base fall under the U.S. Air Force's Air Combat Command. It is the home of the 49th Fighter Wing, which consists of 46 F-117s, 12 T-38 trainers, one HH-60 squadron (six aircraft), one German F-4 squadron (24 aircraft), and one German Air Force Tornado PA-200 aircraft squadron (12 aircraft). The base also supports other tenants. Currently, approximately 50,000 airfield operations (takeoffs, landings and approaches) are conducted annually at Holloman AFB. Approximately 6,000 people work and live on the base to support the squadrons and base missions.

Activities conducted at Holloman AFB not only meet the military needs of the U.S. government, but also help other nations meet theirs. Under an agreement between the U.S. government and the Federal Republic of Germany, the German Air Force has been conducting F-4 training for its aircrews at the base since 1992. Holloman AFB became home base to 12 German Tornado aircraft and 300 personnel in 1996. The training provided at Holloman AFB has helped to ensure that German Air Force aircrews are combat ready, should it become necessary to enter into joint allied military

operations. This approach to military training is in keeping with our National Military Strategy, which emphasizes international training and military exchanges.

Holloman AFB was selected to host the German Air Force for many reasons, including:

- The availability of a wide variety of terrain for training;
- The accessibility of military training routes within close range of the base;
- The base's capacity to accommodate additional aircraft operations; and
- Its proximity to the German Air Force's U.S./Canadian Headquarters, located at Fort Bliss, Texas.

For More Information

For more detailed information about the proposal, please refer to the fact sheets entitled *Airspace Requirements, Operations and Construction, Air-to-Ground Training Options, Participating in the Environmental Impact Analysis Process*, and *Environmental Impacts*.

Should you have any questions about the environmental impact statement the Air Force is preparing, please contact Holloman Air Force Base Public Affairs Office, 49 FW/PA, 490 First Street #2800, Holloman Air Force Base, NM 88330-8287; phone (505) 475-5406.

The Air Force needs your input. Thoughtful and clear comments help the Air Force to fulfill the goals of the National Environmental Policy Act and to make better decisions. Comments on the draft environmental impact statement will be accepted through August 4, 1997. Please send your comments to **Ms. Sheryl Parker, HQ ACC/CEVA, 129 Andrews Street, Suite 102, Langley Air Force Base, VA 23665-2769.**



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations at Holloman Air Force Base, New Mexico

AIRSPACE REQUIREMENTS

Since the end of the Cold War, U.S. policy has focused on maintaining national security and contributing to world stability through multinational allied actions. To ensure the success of these initiatives, and in keeping with our country's National Military Strategy, it is essential to provide both U.S. and allied aircrews with the highest caliber training.

To further these mutual goals, the governments of the United States and the Federal Republic of Germany entered into an agreement permitting the German Air Force to conduct aircrew training at Holloman Air Force Base (AFB), New Mexico. German Air Force training in F-4s has been conducted at Holloman AFB since 1992. In 1996, the German Air Force located 12 German Tornado aircraft and support personnel at Holloman AFB. The base was selected to host the German Air Force for many reasons, including its excellent flying weather and the availability of a wide variety of terrain within close range of the base, and its proximity to the German Air Force's U.S./Canadian Headquarters at Fort Bliss, Texas.

The Air Force has prepared a draft environmental impact statement for a proposed Expansion of German Air Force Operations at Holloman AFB, New Mexico. The U.S. Air Force is proposing to expand its existing Memorandum of Agreement with the Ministry of Defense, Federal Republic of Germany, to locate 30 additional German Tornado aircraft at Holloman AFB. The aircrews and support personnel would be part of a German Air Force Replacement Training Unit. The Replacement Training Unit is a school for Tornado aircrews. The proposed action includes German-financed support facilities on Holloman AFB, as well as increased operations in military-use airspace in the region.

If the proposed action is approved, the 49th Fighter Wing Commander would maintain overall responsibility for flying operations at Holloman AFB while the German Air Force Tactical Training Center Commander would conduct, under his own authority, Tornado training operations in accordance with applicable U.S. law and regulations, directives, and procedures. The German Air Force Tactical Training Center operations would also be conducted by the German Air Force

Command in the United States and Canada, located at nearby Fort Bliss (near El Paso).

Airspace Requirements

German Air Force Tornado training involves four basic types of operations:

- Instrument training (including approaches, departures and "touch-and-gos");
- Low-altitude navigation along Military Training Routes;
- Air-to-air combat training in restricted airspace and Military Operations Areas; and
- Air-to-ground target training in restricted airspace.

Instrument training consists of practice departures, approaches, and enroute navigation designed to teach aircrews how to fly the aircraft in instrument or inclement weather conditions. Touch-and-gos are repeated practice takeoffs and landings in which pilots touch down on approach but, before coming to a full stop, immediately take off again. This exercise allows pilots to practice multiple takeoffs and landings in a single sortie.

Low-altitude flying is one of the most demanding training activities Tornado aircrews perform. To develop low-altitude flying skills, they must practice point-to-point navigation techniques. At the same time, they must avoid detection by simulated enemy ground sensors and evade simulated anti-aircraft defense weapons, such as surface-to-air missiles. This training is conducted at low altitudes and high speeds using terrain-following radar.

Because Federal Aviation Regulations generally prohibit flying faster than 250 knots (288 miles per hour) at altitudes lower than 10,000 feet, aircrews must use specially designated Military Training Routes to conduct high-speed low-altitude navigation training. Although there are no restrictions to civilian aircraft operating under visual flight rules flying along or crossing Military Training Routes, all pilots—civil and other government—should be aware that high-speed military flights

are conducted within these corridors. Currently, there are a number of Military Training Routes around Holloman AFB that can be used to meet the training requirements of German Air Force Tornado aircrews.

In addition to training to defend against enemy attack from the ground, such as surface-to-air missiles, German Air Force Tornados must be ready to counter aerial threats by adversary aircraft. This requires that they master air-to-air combat tactics and become experts at evading air-to-air threats. To conduct this type of training, German Air Force aircrews need enough airspace to perform a variety of air combat maneuvers (often known as "dog fights"). This air-to-air training is performed within airspace designated for military use, called Military Operations Areas, or in restricted airspace. Military Operations Areas serve to help separate air traffic flying under instrument flight rules from military training activities and inform air traffic flying under visual flight rules where that activity is taking place.

Currently, air-to-air training is being conducted by U.S. Air Force and German Air Force aircrews at Holloman AFB within the restricted airspace over White Sands Missile Range and in a number of existing Military Operations Areas in the region. Although the restricted airspace over White Sands Missile Range is preferred, access to that airspace is limited because of demands for test and evaluation activities which, on White Sands Missile Range, have priority over training missions.

Increased Use of Airspace

One of the many training activities that would increase under this proposed action would be the number of training flights, or "sorties," that would be conducted annually.

The expanded German Air Force mission would involve:

- 2,800 additional sorties in Military Training Routes;
- 3,200 additional air-to-air sorties in Military Operations Areas and restricted airspace; and
- 2,600 additional air-to-ground range sorties.

Less than 5 percent of these would occur after 10:00 p.m.

As part of the proposed action, three air-to-ground munitions delivery training options are being considered. Two of them involve construction of a new target complex on McGregor Range, within the Fort Bliss Military Reservation south of Alamogordo. One location option is on western Otero Mesa, and the other is within the Tularosa Basin portion of McGregor Range. The third training option relies on use of existing ranges, Red Rio and Oscura on White Sands Missile Range, and the Melrose Range.

The No-Action Alternative

As required by the National Environmental Policy Act, the environmental impact statement includes the "no-action" alternative, which would involve *not* relocating the 30 German Tornado aircraft, equipment, or personnel to Holloman AFB nor constructing a new target complex.

For More Information

If you would like additional information, please refer to the fact sheets entitled *Overview, Participating in the Environmental Impact Analysis Process, Operations and Construction, Air-to-Ground Training Options, and Environmental Impacts*.

Should you have any questions about the environmental impact statement the Air Force is preparing, please contact: Holloman Air Force Base Public Affairs Office, 49 FW/PA, 490 First Street #2800, Holloman Air Force Base, NM 88330-8287; phone (505) 475-5406.

The Air Force needs your input. Meaningful and clear comments help the Air Force to make better decisions. Comments on the draft environmental impact statement will be accepted through August 4, 1997. Please send your comments to Ms. Sheryl Parker, HQ ACC/CEVA, 129 Andrews Street, Suite 102, Langley Air Force Base, VA 23665-2769.



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations at Holloman Air Force Base, New Mexico

OPERATIONS AND CONSTRUCTION

Since 1992, the U.S. Air Force has supported German Air Force aircrew training operations at Holloman Air Force Base (AFB), located near Alamogordo, New Mexico. These operations have helped the United States and Germany meet existing requirements to train aircrews in a realistic training environment using sophisticated weaponry, combat tactics, and air-to-ground weapons delivery systems. Training and readiness are more important than ever before because of a changing international environment, a greater diversity of risks and threats, and smaller military budgets. This reality is reflected in the current National Military Strategy, which emphasizes international training and military exchanges.

To increase training opportunities for the aircrews of both nations and further mutual U.S.-German bilateral goals, the governments of the United States and Germany are proposing to increase the scope of the existing Memorandum of Agreement covering Tornado training at Holloman AFB, New Mexico.

The U.S. Air Force has prepared a draft environmental impact statement for the proposed Expansion of German Air Force Operations at Holloman AFB. The proposed action would help ensure that the U.S. and German Air Forces receive the highest quality training possible. This will ensure both countries' Air Forces are ready to participate in multilateral allied actions in the pursuit of world stability and international security.

The proposed action includes the construction of aircraft hangers, ramp space, office and storage space, and quarters at Holloman AFB. It also considers construction of a new air-to-ground tactical target complex, which is discussed in a companion fact sheet, *Air-to-Ground Training Options*.

The Air Force Proposal

As part of its proposed action, the Air Force seeks to bring an additional 30 German Tornado aircraft,

approximately 640 additional support personnel (approximately 1,500 including family members), and associated support vehicles and facilities to Holloman AFB. The aircrews and support personnel would be part of a German Air Force Replacement Training Unit. The Replacement Training Unit is a school for Tornado aircrews. This would result in an addition of approximately 4,300 sorties, or training flights, per year.

Proposed support facilities include the construction of:

- Maintenance hangars and facilities;
- A flight simulator facility;
- Aircraft shelters on the flight line;
- A jet engine shop;
- Munitions storage and maintenance facilities;
- Administrative and academic facilities;
- Headquarters and operations buildings;
- Supply warehouse facilities; and
- Dormitories.

New construction required at Holloman under the proposed action would be located either adjacent to existing facilities on the base or on parts of the base that are already developed. Funding for these proposed facilities comes entirely from the German government. The cost of this construction is estimated at approximately \$100 million. An option under the proposed action includes constructing a new target complex at one of two potential locations on McGregor Range, south of Alamogordo.

Under this proposal, aircraft would begin arriving at the base in Fall 1999 (first quarter of fiscal year 2000) and will reach full operational capability in Spring 2000.

Before any decision is made as to whether additional aircraft, personnel, and support facilities will be added at the base, the U.S. Air Force must first complete the environmental impact statement to assess any potential environmental impacts that might occur as a result of this

action. A draft environmental impact statement is available for public review and comment. The environmental analysis studies a wide range of potential impacts, including the socioeconomic implications of increasing the area's population by approximately 1,500 people (i.e., potential increase in the need for utilities and community services). It also addresses the additional noise, dust, and vehicle emissions likely to result from the proposed construction projects.

For More Information

To read about other components of the proposal, including the proposed addition of a new air-to-ground

tactical target complex and a proposed increase in airspace use, please refer to the fact sheets entitled *Overview, Participating in the Environmental Impact Analysis Process, Airspace Requirements, Air-to-Ground Training Options, and Environmental Impacts*.

Should you have any questions about the environmental impact statement, please contact Holloman Air Force Base Public Affairs Office, 49 FW/PA, 490 First Street #2800, Holloman Air Force Base, NM 88330-8287; phone: (505) 475-5406.

The Air Force needs your input. Meaningful and clear comments help the Air Force to fulfill the goals of the National Environmental Policy Act and to make better decisions. Comments on the draft environmental impact statement will be accepted through August 4, 1997. Please send your comments to **Ms. Sheryl Parker, HQ ACC/CEVA, 129 Andrews Street, Suite 102, Langley Air Force Base, VA 23665-2769.**



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations at Holloman Air Force Base, New Mexico

AIR-TO-GROUND TRAINING OPTIONS

The U.S. Air Force has prepared a draft environmental impact statement for the proposed Expansion of German Air Force Operations at Holloman Air Force Base. The Air Force is proposing to expand an existing Memorandum of Agreement with the Federal Republic of Germany in order to locate 30 additional German Tornado aircraft at Holloman Air Force Base (AFB), New Mexico. The proposed action includes German-financed support facilities on Holloman AFB, as well as three options to meet air-to-ground training requirements. The aircrews and support personnel would be part of a German Air Force Replacement Training Unit. The Replacement Training Unit is a school for Tornado aircrews.

The German Air Force serves as a coalition partner with the United States and other allies. Training and readiness are more important than ever before because of a changing international environment, a greater diversity of risks and threats, and smaller military budgets. This reality is reflected in the current National Military Strategy, which emphasizes international training and military exchanges. German Air Force Tornados in the United States play a major role in accomplishing this mission.

Air-to-Ground Target Complex Access Requirements

To achieve proficiency in effective delivery of air-to-ground munitions, training must include a variety of realistic targets, weapons, and munitions delivery scenarios. Most training objectives can be met with non-explosive training ordnance, however live ordnance would be dropped on the existing Red Rio live drop target.

Currently, the majority of tactical air-to-ground training conducted by U.S. and German Air Force units at Holloman AFB takes place on two existing target complexes in White Sands Missile Range, Red Rio and Oscura, while a small amount of training occurs at a single target impact area on McGregor Range, part of the Fort Bliss Military Reservation south of Alamogordo,

New Mexico. White Sands Missile Range is operated by the U.S. Army primarily for research, development, and test of new weapon systems.

The U.S. Air Force must use the two White Sands Missile Range target complexes on a "non-interference" basis (that is, Air Force training cannot interfere with higher-priority test missions). The additional 30 aircraft would increase the demand for the Red Rio and Oscura target complexes above capacity, and their terrain features do not accommodate the Tornado's terrain-following radar training requirement. Increased target range usage is needed to meet Air Force training requirements.

Air-to-Ground Target Complex Requirements and Selection Criteria

For aircrews to maintain their proficiency and combat readiness, they must accomplish specific training activities on a tactical target complex with defined capabilities. To meet these requirements, a tactical target complex must include:

- A realistic layout of simulated tactical targets similar to those that might be encountered in actual combat, such as an airfield; an industrial complex; radar, missile, and gun sites; and artillery.
- Restricted airspace large enough to allow different approach patterns and angles of attack on the target.
- Only training ordnance would be used on the proposed target complex. No live ordnance would be used.

Based on these requirements, a number of criteria must be met before a location can qualify for consideration as a new tactical target complex. They include:

- Sufficient land to locate a realistic simulated tactical target array and fenced impact area (approximately 8 square miles);

- The ability to control public access in a safety buffer surrounding the target complex to ensure public safety;
- The ability to combine land, airspace, and target configurations to maximize variety in munitions types, delivery patterns, and axes of attack;
- Access from established Military Training Routes which permit low-altitude access to a tactical target complex so that aircrews may conduct low-altitude navigation training enroute to their targets;
- Minimal scheduling restrictions on the use of the target complex; and
- Location within a 180-nautical mile flight distance of Holloman AFB.

Three Air-to-Ground Training Options

In order to ensure that aircrews receive the training they need, the U.S. Air Force proposes three air-to-ground training options as part of the proposed expansion of German Air Force operations at Holloman AFB. Two of the options would involve construction of a new target complex.

The potential locations for a new target complex are two sites within the McGregor Range. McGregor Range provides the land, airspace, and availability needed for an effective training area. One location option is on west Otero Mesa, and the other is within the Tularosa Basin portion of the range.

A third option involves bringing the additional aircraft to Holloman AFB but *not* constructing a new target

complex. Under this option, the additional Tornado air-to-ground training would be confined to existing air-to-ground target complexes, Red Rio and Oscura on White Sands Missile Range, and Melrose Range near Clovis, New Mexico.

Analysis of the proposed action, which includes selection of one of the three air-to-ground training options, is documented in the draft environmental impact statement. The analysis examines the potential effects of the proposal on the environment, including potential for increased soil erosion, loss of some animal habitat, increased noise, land use compatibility, and decreased public access to portions of McGregor Range resulting from additional aircraft operations.

The No-Action Alternative

The draft environmental impact statement also includes the "no-action" alternative, as required by the National Environmental Policy Act. This alternative would not bring the additional 30 German Air Force Tornados to Holloman AFB. U.S. and German Air Force training would continue at their current levels using existing aircraft, personnel, and facilities.

For More Information

If you would like additional information, please refer to the fact sheets entitled *Overview, Participating in the Environmental Impact Analysis Process, Airspace Requirements, Operations and Construction*, and *Environmental Impacts*.

Should you have any questions about the environmental impact statement the Air Force is preparing, please contact Holloman Air Force Base Public Affairs Office, 49 FW/PA, 490 First Street #2800, Holloman Air Force Base, NM 88330-8287; phone (505) 475-5406.

The Air Force needs your input. Meaningful and clear comments help the Air Force to make better decisions. Comments on the draft environmental impact statement will be accepted through August 4, 1997. Please send your comments to **Ms. Sheryl Parker, HQ ACC/CEVA, 129 Andrews Street, Suite 102, Langley Air Force Base, VA 23665-2769.**



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
at Holloman Air Force Base, New Mexico

PARTICIPATING IN THE ENVIRONMENTAL IMPACT ANALYSIS PROCESS

How to Have Input

The National Environmental Policy Act was enacted in 1969 to guide federal agencies toward informed decisions when considering major, new projects. Not only does the Act outline a process for analyzing environmental consequences, it also emphasizes public involvement early on and throughout the preparation of an environmental impact statement. The Act specifies a series of steps that federal agencies must follow when developing an environmental impact statement, one of which includes opportunities for public comment. Written or oral comments on the proposed action can be given in writing or at scheduled meetings and hearings.

One of the steps in the public involvement process is the distribution of a draft environmental impact statement for public review and a public comment period, with public hearings. Comments received during that period will be included in the final environmental impact statement, along with responses. A record of decision will be published after a minimum 30-day period following publication of the final environmental impact statement.

However your comment is received—in person or by mail—it is treated equally to all other comments. Here are some suggestions to increase the impact of your comments:

- *Focus on issues and actions addressed in the draft environmental impact statement.* The Air Force must follow National Environmental Policy Act guidelines and confine its analyses to the scope of the specific environmental impact statement. This document focuses on potential environmental consequences of additional personnel, facilities, equipment, airspace modifications, and aircraft at Holloman AFB. It does not, for example, examine the issue of the necessity of military training or the

issue of foreign military presence in the United States.

- *Participate as much as possible in the environmental impact analysis process.* Air Force representatives are a resource to you—that is why they are at meetings and hearings and are prepared to make presentations and briefings during the public involvement process. Information on the proposed action can also be found in fact sheets and displays at public hearings to provide background to help in formulating comments.
- *Use available agency resources to get the information you need.* Information can be found in the *Federal Register*, a daily publication of announcements by federal agencies; in public and/or university libraries in Alamogordo, Albuquerque, Artesia, Carlsbad, Cloudcroft, Fort Sumner, Las Cruces, Portales, Ruidoso, Socorro, and Truth or Consequences, New Mexico, and in Alpine, El Paso, Fort Davis, Fort Stockton, Marfa, Pecos, Sierra Blanca, and Van Horn, Texas; and in local and regional newspapers.

The Proposal

The Air Force has prepared a draft environmental impact statement to document the analysis of the potential environmental effects of bringing an additional 30 German Tornado aircraft and associated personnel to Holloman Air Force Base (AFB), New Mexico, and constructing needed facilities there. German Air Force aircrews would conduct training flights in the airspace around the region, which supports training flights by existing German Aircrews at Holloman AFB.

Under the proposed action, in addition to constructing support facilities at Holloman AFB, the U.S. Air Force is also considering options to either construct a

new air-to-ground tactical target complex or increase use of existing ranges to support German Air Force training requirements.

Two training options involve construction of a new target complex on McGregor Range, located south of Alamogordo and part of the Fort Bliss Military Reservation. One location option is on western Otero Mesa, and the other is within the Tularosa Basin portion of the range. The third training option relies on use of existing ranges, Red Rio and Oscura on White Sands Missile Range, and the Melrose Range. The option selected would also affect use of other airspace in the region.

The "no-action" alternative has also been analyzed, as required by the National Environmental Policy Act. This alternative would not bring the additional 30 German Air Force Tornados to Holloman AFB. U.S. and German Air Force training would continue at their current levels using existing aircraft, personnel, and facilities, at existing ranges.

Your inputs are important in helping determine the analysis of the U.S. Air Force's proposal to expand the German Air Force's operations at Holloman AFB. Comments received during the public comment period and at the public hearings will be evaluated and additional analyses performed or changes made to the environmental impact statement as necessary.

Projected EIS Schedule

Here is the projected schedule for the analysis of the proposed Expansion of German Air Force Operations at Holloman Air Force Base environmental impact statement:

- Notice of Availability of the draft environmental impact statement: June 20, 1997
- Public Hearings: July 7-12, 1997
- Public comment period for draft environmental impact statement: June 20-August 4, 1997
- Final EIS: November 1997 (projected)
- Record of Decision: December 1997 (projected)

For More Information

If you would like more information about specific topics of consideration in the proposed Expansion of German Air Force Operations at Holloman Air Force Base environmental impact statement, please refer to the fact sheets entitled *Overview*, *Airspace Requirements*, *Operations and Construction*, *Air-to-Ground Training Options*, and *Environmental Impacts*.

The Holloman AFB Public Affairs staff can also provide further information and schedules or place you on the environmental impact statement mailing list. They may be reached by calling (505) 475-5406 or by writing to 49 FW/PA, 490 First Street #2800, Holloman AFB, New Mexico 88330-8287.

The formal public comment period lasts until August 4, 1997. Please direct your comments to **Ms. Sheryl Parker, Air Combat Command Environmental Analysis Branch, 129 Andrews Street, Suite 102, HQ ACC/CEVA, Langley Air Force Base, Virginia 23665-2769.**

The U.S. Air Force needs your input. Thoughtful and clear input will help us fulfill the goals of the National Environmental Policy Act and ensure a meaningful, substantive environmental impact analysis process.



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations at Holloman Air Force Base, New Mexico

ENVIRONMENTAL IMPACTS

The draft environmental impact statement for the U.S. Air Force's Proposed Expansion of German Air Force Operations at Holloman Air Force Base describes the potential consequences of relocating 30 additional German Air Force Tornado aircraft and associated personnel and support facilities to the Alamogordo, New Mexico, facility.

There are three main components of the proposal: construction at Holloman Air Force Base (AFB) and vicinity to support the additional aircraft, personnel, and programmatic needs; training in airspace throughout the region; and conducting air-to-ground training. Three options for providing air-to-ground training are being considered. The three options are:

- Construction of a new target complex on the west Otero Mesa portion of McGregor Range, part of the Fort Bliss Military Reservation south of Alamogordo;
- Construction of a new target complex on the Tularosa Basin portion of McGregor Range; or
- Increasing use of existing ranges, including Red Rio and Oscura, both located on the White Sands Missile Range in New Mexico, and the Melrose Range, located in east-central New Mexico.

The draft environmental impact statement also addresses potential impacts from changes in airspace use associated with the proposed action and each of the training options.

Environmental Impacts

Environmental impacts were evaluated against conditions as they are projected to be in the first quarter of fiscal year 2000, October 1999, which is the target date to begin implementation of the proposed action. These impacts were assessed in the following areas:

- **Airspace Use and Management.** Minor to no impacts on airspace from additional training sorties.
- **Noise.** The increase in aircraft operations would increase noise levels around Holloman AFB. About 47 acres in and around the base, an increase of 6 acres, would be exposed to day-night average sound levels of 65 decibels. Under either of the new

target complex training options, sound levels under most affected airspace away from Holloman would remain essentially constant or increase by a few decibels. Under the existing range training option, sound levels under the affected airspace would increase negligibly at most locations but could increase by as much as 13 decibels in certain areas.

- **Land Use.** Overflights and associated noise would increase over portions of White Sands National Monument east of Holloman AFB. In some areas, particularly where airspace units overlap, increased aircraft activity would result in elevated noise levels at isolated residences and recreation areas. Construction of a new target complex on McGregor Range would result in a reduction in public access to some areas south of State Highway 506. Access to the highway itself would not be affected. The western Otero Mesa target complex option would result in a minor decrease in land available for grazing.
- **Biological Resources.** There would be no significant impact to biological resources from construction of facilities at Holloman AFB. Impacts would include disturbance of vegetation and habitat at existing ranges and temporary wildlife disturbance from noise under existing airspace. Increased aircraft flights would result in small increased potential disturbance to wildlife. Construction and use of the west Otero Mesa new target complex option would result in disturbance to about 1,040 acres. Biological resources would be disturbed in the entire 5,120-acre impact area under the Tularosa Basin new target complex option.
- **Air Quality.** Aircraft activity and construction would produce insignificant increases in emissions and have no impact on visibility. There would be temporary increases in air emissions during construction of facilities at Holloman and if a new tactical target complex were constructed.
- **Archeological, Cultural, and Historical Resources.** Negligible impacts would occur on Holloman AFB, as a result of changes in airspace, and at ranges. If a new target complex were constructed on west Otero Mesa, 17 sites eligible or

potentially eligible for placement on the National Register of Historic Places could be impacted by construction and use of that site. If a new target complex were constructed in the Tularosa Basin, 29 sites eligible or potentially eligible for the National Register could be affected.

- **Water Resources.** Construction of new facilities at Holloman could result in increased runoff, but impacts would be negligible. Increased use of existing ranges would result in slight but negligible impacts caused by runoff. Increased soil erosion and sediment transport could result from construction and operation of a new target complex at McGregor Range. If the west Otero Mesa option were selected, some water resource improvements, such as pipelines and water tanks, would be relocated.
- **Hazardous Materials and Waste Management.** The proposed action would result in negligible increases in hazardous materials used and wastes generated. Procedures are in place to ensure this does not result in significant impacts or risks to the environment.
- **Socioeconomic Impacts.** The Holloman AFB population would increase by 11 percent. Nearly 1,000 jobs would be created in Otero County. Additional housing, roads, a fire station, and other facilities are expected to be needed. The cost of construction of a new target complex on west Otero Mesa is estimated at \$4 million and in Tularosa Basin at \$20 million. The difference is primarily due to existing unexploded ordnance at the Tularosa Basin site, which would have to be removed prior to construction.
- **Transportation.** Transportation impacts resulting from the proposed action would occur in the city of Alamogordo. There would be an increase in traffic, increasing congestion on the main road through the city.
- **Utilities.** Utility use is expected to increase in Alamogordo and at Holloman AFB. A stock watering tank on the west Otero Mesa site would be relocated if that option is selected for a new target complex.
- **Soils.** Thirty-six acres at Holloman AFB would be affected by construction. Construction of a new target complex under the west Otero Mesa option would heavily impact about 1,000 acres, while over 5,000 acres would be heavily impacted under the Tularosa Basin option. This disturbance would result in increased erosion and sedimentation.
- **Safety.** Safety impacts resulting from facilities construction at Holloman AFB would be negligible. The increased risk of aircraft mishap and bird-aircraft strike hazard would also be minor. There would be

some increase in potential for fire if either of the new target complex options were implemented.

- **Cumulative Impacts.** The effects of this proposed action, along with other actions which have been recently implemented, such as the 12 Tornados that were brought to Holloman AFB last year, or which will be implemented in the reasonably foreseeable future, such as the change from F-111 to F-16 aircraft at Cannon AFB, are addressed in the cumulative impact analysis in the draft environmental impact statement. A comparison was made between conditions as they prevailed for 1995 and conditions projected for fiscal year 2000 under the proposed action. For most resources, no significant cumulative impacts would be expected following expansion of German Air Force operations at Holloman.

For More Information

If you would like additional information, please refer to the fact sheets entitled *Overview, Airspace Requirements, Participating in the Environmental Impact Analysis Process, Operations and Construction, and Air-to-Ground Training Options.*

Should you have any questions about the environmental impact statement the Air Force is preparing, please contact: Holloman Air Force Base Public Affairs Office, 49 FW/PA, 490 First Street #2800, Holloman Air Force Base, NM 88330-8287; phone (505) 475-5406.

The Air Force needs your input. Meaningful and clear comments help the Air Force to make better decisions. Comments on the draft environmental impact statement will be accepted through August 4, 1997. Please send your comments to **Ms. Sheryl Parker, HQ ACC/CEVA, 129 Andrews Street, Suite 102, Langley Air Force Base, VA 23665-2769.**



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations at Holloman Air Force Base, New Mexico Draft Environmental Impact Statement Document Locations

A Draft Environmental Impact Statement for the Proposed Expansion of German Air Force Operations at Holloman Air Force Base, New Mexico, is available for public review and comment. Copies are readily available for review at public and university libraries. Here is a listing of where you can find it. For additional information on document locations, please contact Holloman Air Force Base Public Affairs Office, 49 FW/PA, 490 First Street #2800, Holloman Air Force Base, NM 88330-8287; phone (505)475-5406. The review and comment period ends August 4, 1997. Please forward any comments to Ms. Sheryl K. Parker, HQ ACC/CEVA, 129 Andrews Street, Suite 102, Langley Air Force Base, VA 23665-2769.

NEW MEXICO

Alamogordo

Alamogordo Public Library
920 Oregon Avenue

New Mexico State University—Alamogordo Library
2400 N. Scenic Drive

Albuquerque

University of New Mexico
General Library

Artesia

Artesia Public Library
306 West Richardson Avenue

Carlsbad

Carlsbad Municipal Library
101 S. Halagueno Street

Cloudcroft

Cloudcroft Library
20 Curlew Place

Fort Sumner

Fort Sumner Public Library
509 N. 7th Street

Las Cruces

Doña Ana Branch Community College Library
3400 South Espina

Branigan Memorial Library
200 E. Picacho Avenue

Portales

Eastern New Mexico University Library
1200 West University

Ruidoso

Ruidoso Public Library
501 Junction Road (at Sudderth Drive)

Socorro

New Mexico Institute of Mining & Technology
Library
801 Leroy Place

Truth or Consequences

Truth or Consequences Public Library
325 Library Lane

TEXAS

Alpine

Alpine Public Library
203 N. 7th Street

Dell City

Grace Grebing Public Library
110 N. Main Street

El Paso

El Paso Public Library
510 N. Oregon Street

University of Texas—El Paso Library
500 West University Avenue

Fort Davis

Jeff Davis County Library
Court and Main Streets

Fort Stockton

Fort Stockton Public Library
500 N. Water Street

Marfa

Marfa City Municipal Library
115 E. Oak

Pecos

Reeves County Library
505 S. Park Street (at Fifth Street)

Sierra Blanca

Sierra Blanca Public Library
Sierra Blanca High School

Van Horn

Van Horn Library
410 Crockett Street

6. Sign-In Sheet

Expansion of German Air Force Operations at Holloman Air Force Base, New Mexico

SIGN IN SHEET

PUBLIC HEARINGS

DATE _____

PLEASE PRINT**Name**

**Mailing Address
(Street Address/City)**

State/Zip

PLEASE PRINT

7. Written Comment Sheet

Expansion of German Air Force Operations at Holloman Air Force Base, New Mexico

WRITTEN COMMENTSHEET

EXPANSION OF GERMAN AIR FORCE OPERATIONS AT HOLLOMAN AIR FORCE BASE, NEW MEXICO

Thank you for your input.

DATE: _____

PLEASE PRINT

**** CONTINUE ON BACK FOR MORE SPACE ****

NAME: _____

ADDRESS: _____

CITY: _____

STATE/ZIP CODE: _____

Please check if you would like to receive a copy of the Environmental Impact Statement. []

Please Hand This Form In or Mail To:

AIR COMBAT COMMAND ENVIRONMENTAL ANALYSIS BRANCH
HQ ACC/CEVA
ATTN: MS. SHERYL PARKER
LANGLEY AIR FORCE BASE, VA 23665-2769

8.

Registration Card

PUBLIC HEARING ATTENDANCE RECORD

DATE / /

PLEASE PRINT NAME _____

MAILING ADDRESS _____
STREET, P.O. BOX, OR ROUTE & BOX

CITY, STATE, ZIP CODE

NAME OF OFFICIAL, ORGANIZATION, FIRM, OR GROUP YOU REPRESENT
(if applicable) _____

☐ **CHECK IF YOU WANT TO SPEAK**

☐ **CHECK IF YOU WANT A COPY OF THE FINAL EIS**

ATTENDANCE RECORD BACK

**DATA REQUIRED BY THE PRIVACY ACT OF 1974
(5 U.S.C. 552A)**

1. Authority: 42 U.S.C. 4321-4370a.
2. Principal Purpose: Information is used to compile a list of hearing attendees for the administrative record.
3. Routine Uses
 - a. The card is used to signify an individual's desire to make a statement during the public comment portion of the hearing.
 - b. Names of individuals and their comments during the public hearing may be published in project reports.
 - c. Information may be used to complete mailing lists for other projects in which the individual may have an interest.
4. Effect of individual not providing information voluntarily—Failure to provide the information requested may delay or prevent the individual's speaking at the public hearing.

APPENDIX B
PUBLIC HEARING DISPLAY MATERIALS

APPENDIX B

PUBLIC HEARING DISPLAY MATERIALS

1. Slides
2. Copies of Display Boards



**Proposed Expansion of
German Air Force Operations
at Holloman Air Force Base, New Mexico**

**Draft Environmental Impact Statement
Public Hearings
July 7-12, 1997**



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Hearing Schedule

6:00 p.m. - 6:20 p.m.:	Registration and Informal Discussions
6:20 p.m. - 7:05 p.m.:	U.S. Air Force Presentations on Draft EIS
7:05 p.m. - 7:15 p.m.:	Break-View Exhibits; Informal Discussions with Air Force Representatives
7:15 p.m. - 10:00 p.m.:	Public Comment Period



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Presenting Hearing Comments

- Complete registration card
- When called upon, use the microphone
 - State name, address, organization
 - Comments limited to 5 minutes
- Meeting documented by court reporter
- Additional comments may be made in writing
 - Mailing address on fact sheets and written comment forms
- Comments may be made directly to court reporter following general comment session
 - Complete registration card
 - Observe time limit



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Environmental Impact Analysis Process

- NEPA enacted in 1969
- Basic requirement: analysis must precede action
- Analysis serves as “a clear basis of choice”
- “Ultimately...better decisions...**excellent action**”
- The process leads to a *decision*
- This is not a “done deal”
- Key public role: comments relevant to the analysis



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

EIS Schedule

- May 8, 1996 NOI–Federal Register
- August 1996 Public Scoping Meetings
- June 13, 1997 Draft EIS published
- June 20, 1997 NOA–Federal Register;
begin comment period
- July 7-12, 1997 Public Hearings
- August 4, 1997 Comment period complete
- August 5, 1997 Begin incorporating inputs/
comments/final analysis
- November 4, 1997 Publish Final EIS (projected);
30 day waiting period
- December 8, 1997 Sign Record of Decision (projected)



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Purpose for Proposed Action

- We can better protect our interests by training with our allies
- U.S./German military partnership under NATO for over 40 years
- German Air Force training at Holloman Air Force Base since 1992
- U.S. policy since end of Cold War emphasizes international training and military exchanges
- U.S. Air Force proposing to increase scope of German Air Force training at Holloman Air Force Base



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Why We Need to Train

- National security issues have become more complex
- NATO forces face diverse types of threats and risks
 - Surface-to-air missiles
 - Anti-aircraft artillery
 - Varying terrain and weather conditions
- Aircrews must train the way they intend to fight
 - Low-altitude navigation on Military Training Routes
 - Air-to-air combat tactics in Military Operations Areas and restricted areas
 - Air-to-ground training on simulated tactical targets in restricted airspace
- Training opportunities in U.S. help increase military proficiency of allies fighting along side U.S. forces



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Our Other Missions

- Being a good neighbor: Public Affairs (505) 475-5406
- Stewards of environmental resources
 - Monitoring resources
 - Natural and cultural resources management
 - Interagency cooperation and communication
 - Holloman Air Force Base recognized at local and national levels for environmental management



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Components of the Proposed Action

- German Air Force expansion at Holloman Air Force Base would establish German Air Force Replacement Training Unit, a school for Tornado aircrews
 - “Beddown” of 30 additional Tornado aircraft
 - Approximately 640 additional personnel (about 1,500 including family members)
 - \$100 million in construction (paid for by German Air Force)
 - Estimated 4,300 takeoffs/landings at Holloman
- Training in local airspace
 - About 2,800 annual sorties on Military Training Routes
 - About 3,200 annual air-to-air sorties in Military Operations Areas and restricted airspace
 - About 2,600 annual air-to-ground sorties in restricted airspace



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Training Options Considered Under Proposed Action

- New target complex constructed on west Otero Mesa portion of McGregor Range
- New target complex constructed in Tularosa Basin portion of McGregor Range
- Increase use of existing ranges
 - Red Rio on White Sands Missile Range, New Mexico
 - Oscura on White Sands Missile Range, New Mexico
 - Melrose Range, near Clovis, New Mexico
- Training option selected would affect airspace utilization



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

The No-Action Alternative

- Analysis provides a basis for comparison among the options
- Based on conditions projected in FY2000 (Fall of 1999)
- Includes ongoing changes between 1995 and 1999
 - 12 Tornados brought to Holloman AFB in 1996
 - Deactivation of AT-38 squadron at Holloman AFB in 1997
 - Change from F-111 to F-16 aircraft at Cannon AFB
- Potential environmental consequences of not locating 30 additional Tornados, personnel, equipment, and associated construction



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Draft Environmental Impact Statement

- Analyzes proposed action, training options, and no-action alternative
- Examines impacts at Holloman AFB, in airspace areas, and at ranges
- Describes existing environmental conditions in 1995
- Proposed action compared to projected baseline environmental conditions
- Includes cumulative impacts from Tornado beddown in combination with other actions affecting installations and regional airspaces and ranges analyzed



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Environmental Impacts

- Airspace Use and Management
 - Minor to no effects from additional training sorties
- Noise
 - Increase in and around Holloman AFB
 - If one of the new target complex options selected, changes in average day-night sound levels minor in most existing airspace areas and ranges
 - Sound levels at some locations would increase noticeably under the existing range training option
- Land Use
 - Increased noise over portions of White Sands National Monument
 - Changes in sound levels in most locations would not significantly impact land use, but could be annoying
 - Access to portions of Otero Mesa reduced if new target complex built; slight decrease in grazing land with west Otero Mesa option
 - No impact on access to State Highway 506



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Environmental Impacts

- Air Quality
 - Temporary increase in emissions during construction
 - Increase in aircraft emissions
 - No impact on attainment of National and State Ambient Air Quality Standards
- Biological Resources
 - No significant impacts in and around Holloman AFB
 - Temporary noise disturbances to wildlife underlying airspace areas
 - Loss of some vegetation and habitat if new target complex built
 - Increase in vegetation and habitat disturbance at existing ranges
- Archaeological, Cultural, and Historical Resources
 - Negligible impacts at Holloman and existing ranges
 - Potential impacts if new target complex constructed



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Environmental Impacts

- Water Resources
 - Negligible impacts caused by increased runoff during facilities construction and at existing ranges
 - Water line under west Otero Mesa option would require relocation
- Hazardous Materials and Waste Management
 - Negligible increases in hazardous materials used and waste generated
- Socioeconomics
 - Increase in Otero County employment and population
 - Cost of new target complex construction on west Otero Mesa—\$4 million
 - Cost of new target complex construction in Tularosa Basin—\$20 million
 - unexploded ordnance removal required prior to construction
- Transportation
 - Increased traffic congestion along City of Alamogordo main thoroughfare



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Environmental Impacts

- Utilities
 - Increase in use at Holloman AFB and Alamogordo
 - Stock watering tank relocation under west Otero Mesa option
- Soils
 - 36 acres at Holloman disturbed
 - Increased vegetation loss and erosion at Red Rio Live Drop Target
 - New target complex construction
 - West Otero Mesa option disturbance: approximately 1,000 acres
 - Tularosa Basin option disturbance: approximately 5,100 acres
- Safety
 - Negligible impacts from construction at Holloman AFB
 - Slight increase in aircraft mishap and bird-strike risk
 - Increase in potential for fire at new target complex



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Environmental Impacts

- Cumulative Impacts
 - Most resources would not have significant cumulative effects
 - Some impacts result from increases in aircraft-associated noise, potentially affecting land use and biological resources
 - Minor cumulative habitat loss potential
 - Cumulative employment and economic effects in Alamogordo



CONTINUING THE PARTNERSHIP



Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

Environmental Impacts Summary

- Most affected locations would receive negligible environmental impact
 - Alamogordo: increases in population, traffic, employment, and aircraft operations
 - Carrizozo: increase in nearby flights
 - West of Truth or Consequences: potential disturbance to threatened and endangered species
 - Fort Sumner: increase in nearby flights
 - Dell City: increase in nearby flights
 - West Texas Area: increase in nearby flights



CONTINUING THE PARTNERSHIP

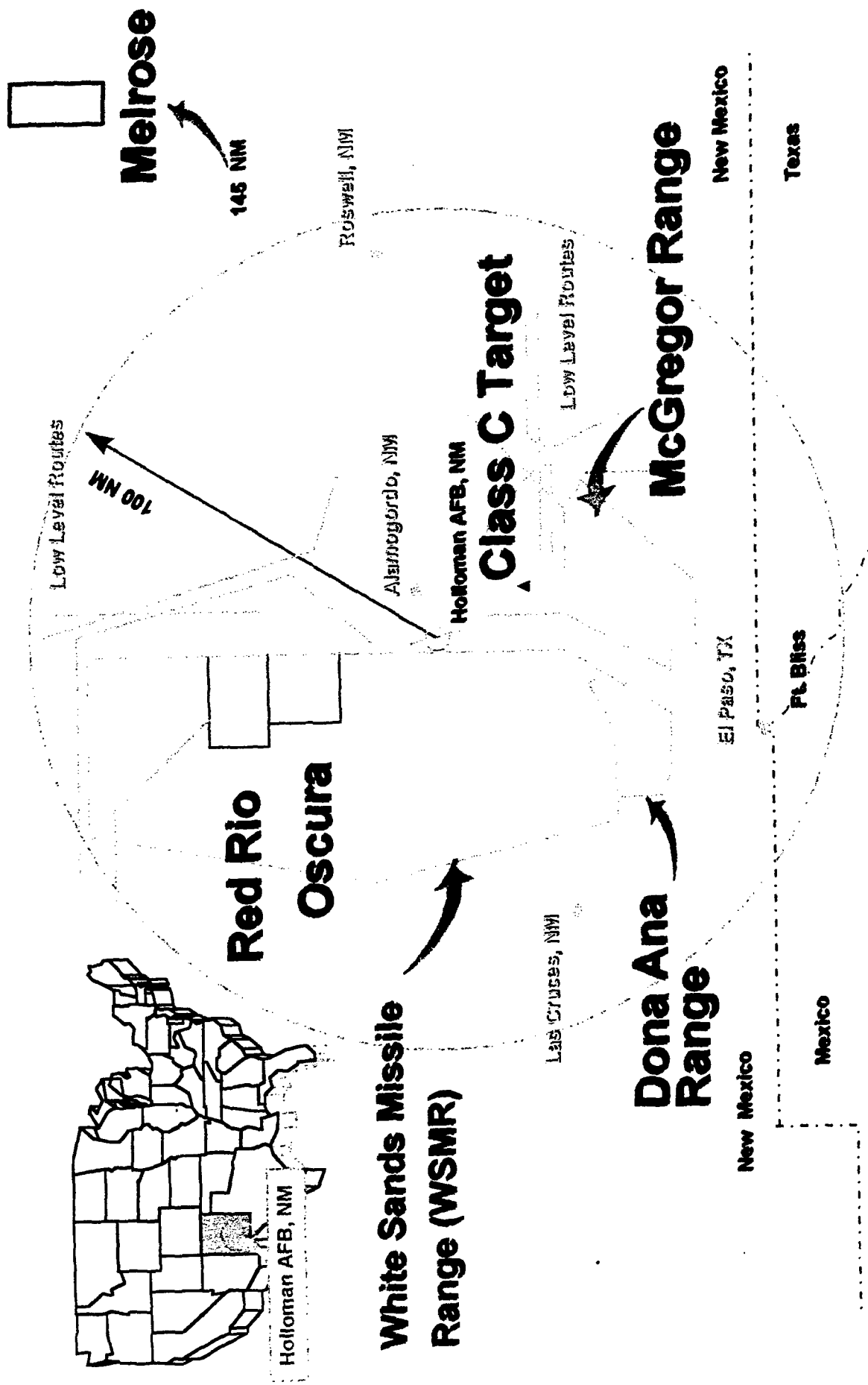


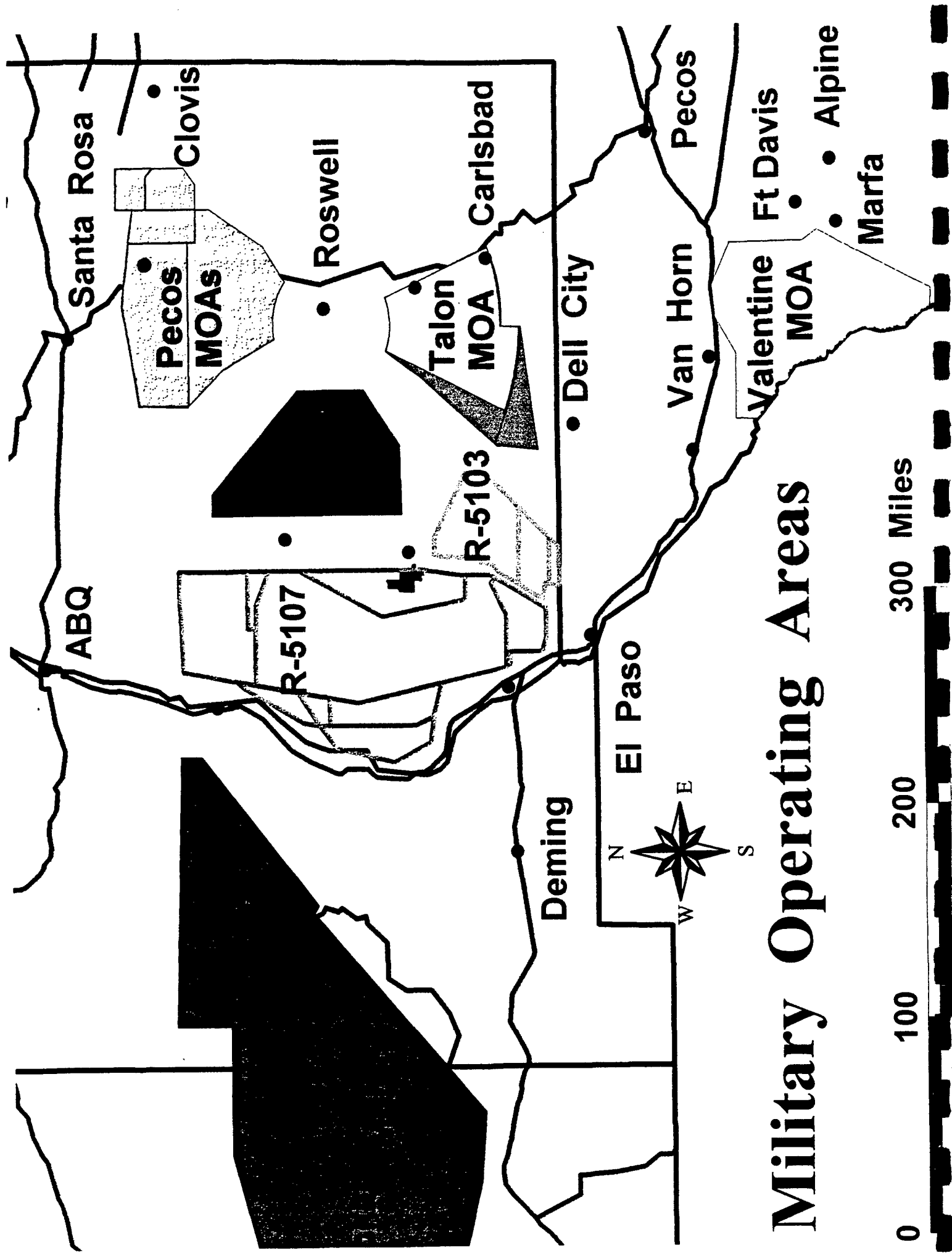
Proposed Expansion of German Air Force Operations
Holloman Air Force Base, New Mexico

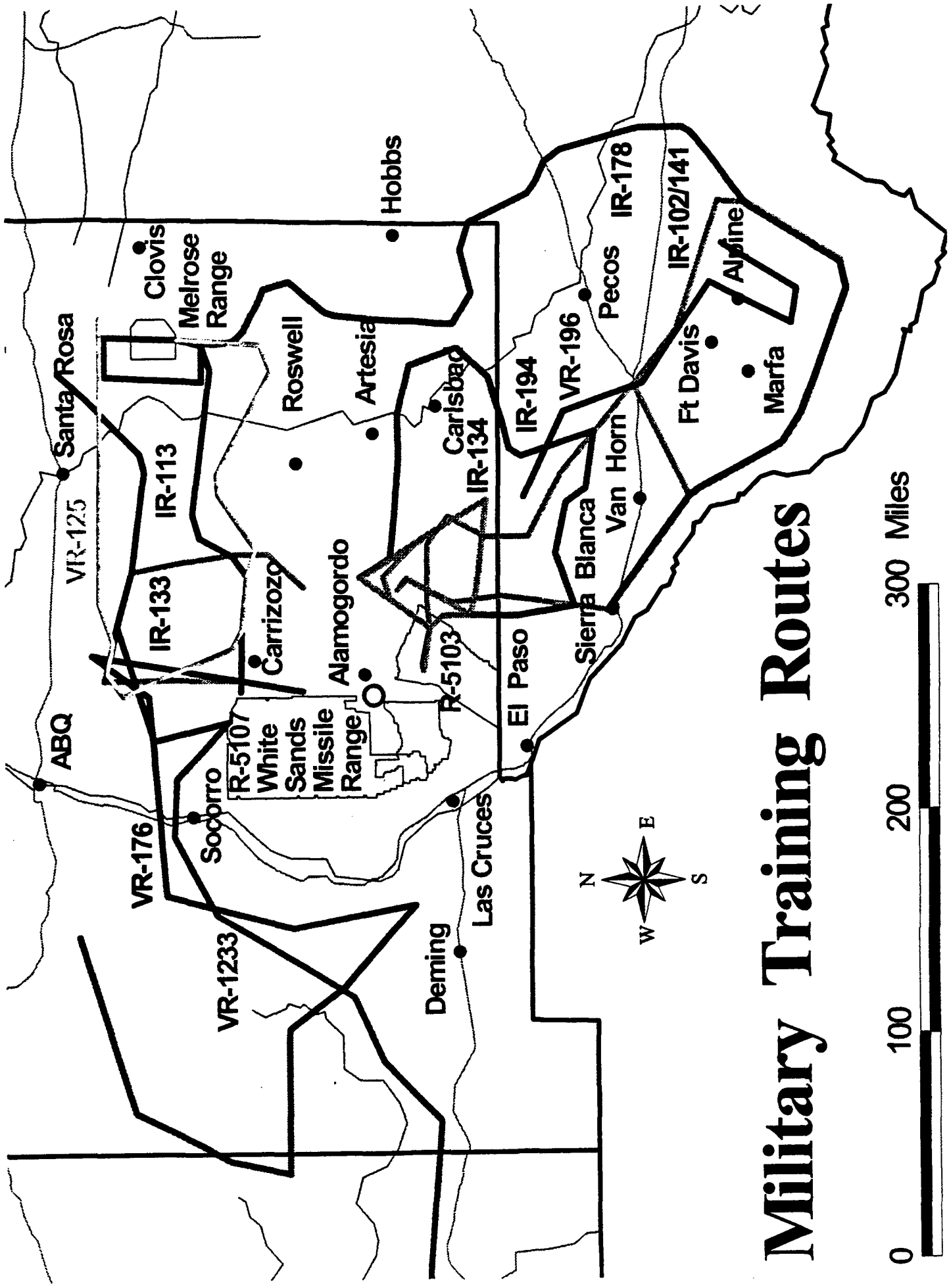
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HOLLOMAN'S LOCAL A/G TRAINING SPACE







Military Training Routes

0 100 200 300 Miles

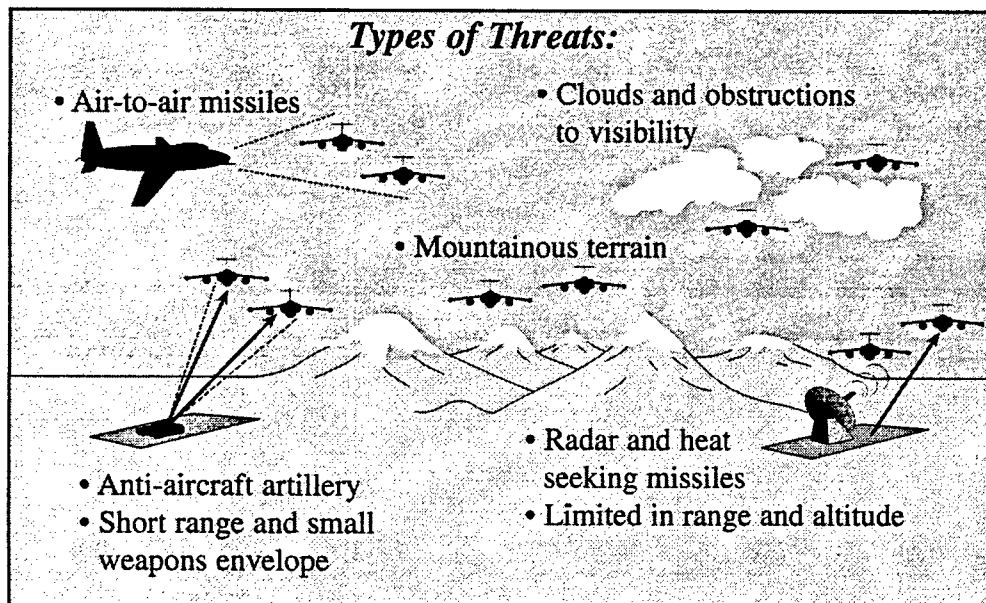


CONTINUING THE

What We Face

The end of the Cold War is not a guarantee of world security.

- The increased risk of different types of conflicts could involve:
 - Advanced ground-based air defense systems (surface-to-air missiles, anti-aircraft artillery)
 - Interception by hostile aircraft
 - Enemy weapons (artillery, missiles, etc.) that threaten our surface forces
 - Broad spectrum of geographic and weather conditions
- The most dangerous threat is the one that cannot be predicted; that is why we must be ready



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Combat
Requires Con

◀ Sources and type
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Aircrew
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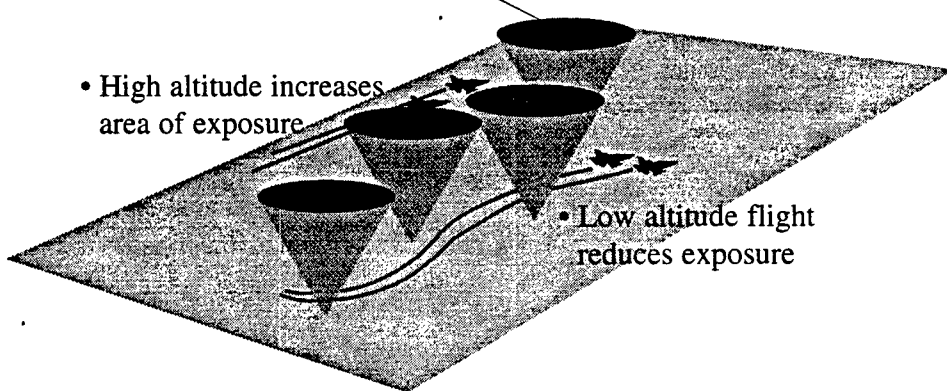
How We Prepare

Responding to increased and diversified risks demands a high degree of proficiency. Increasingly sophisticated weapons require equally sophisticated training

- Low altitude flight to:
 - Reduce exposure to air defense systems
 - Increase potential for surprise; improve probability of target destruction
 - Ensure navigational proficiency
- Air-to-air combat to ensure air superiority and increase survivability
- Delivery of air-to-ground munitions using:
 - A variety of targets and weapons
 - Different angles of approach
 - Maneuvers to avoid threats

High Altitude vs. Low Altitude:

- Missile/anti-aircraft artillery engagement envelope
- High altitude increases area of exposure
- Low altitude flight reduces exposure





CONTINUING THE

A 40-Year Heritage in U.S.-German Defense Partnership

1950s



- Germans host U.S. military forces in their home country demonstrating commitment to strong NATO role
- U.S. hosts German Air Force pilots ensuring allied aircrews were trained to same high standards as U.S. pilots

1960s



New German Air Force pilots trained at Sheppard AFB:

- Euro-NATO joint jet training gives undergraduate pilot training to U.S. allies
- Allied pilots received flying training to U.S. standards

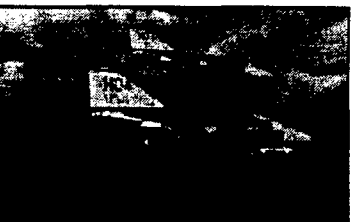
1957-1983



Transition training for German Air Force at Luke AFB:

- F-84s: 1957-1963
- F-104s: 1964-1983

1972-1996



German Air Force training at George and Holloman AFB:

- Graduate and transition F-4 fighter training at George AFB in 1972
- Base Realignment and Closure Commission closed George AFB in 1992
- German Air Force F-4 training has operated out of Holloman AFB since 1992
- Tornado training began at Holloman AFB, May 1996

Today's U.S.
Air Force
We Rely On
Allies
the Strong

◀ U.S.-German partnership
is anchored in a
successful history

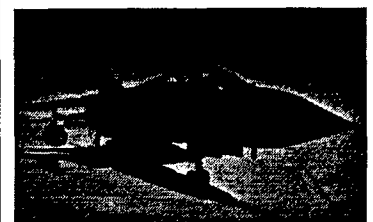
Holloman located
suited for the
German Air Force
continue the

THE PARTNERSHIP



The Holloman Advantage

- Available base land and supporting infrastructure able to accommodate German Air Force units
- Existing active duty base with full airfield capabilities
- Good year-round training weather over varying terrain
- Variety of potential restricted airspace, Military Operations Areas, and Military Training Routes within training distance of base
- Located close to German Air Force Command-USA/Canada Headquarters Center at Fort Bliss, El Paso, Texas
- Holloman AFB currently supports German training in Tornado and F-4 aircraft



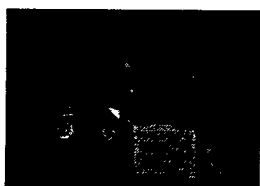
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Force training to
partnership



CONTINUING THE

Holloman Air Force Base

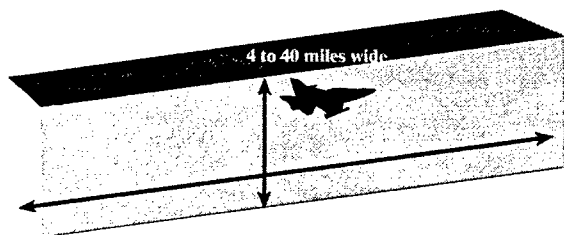


- 30 additional Tornado aircraft flying about 4,300 sorties per year
- Approximately 640 additional German military personnel, plus families
- Over \$100 Million in facilities construction paid for by the German Air Force



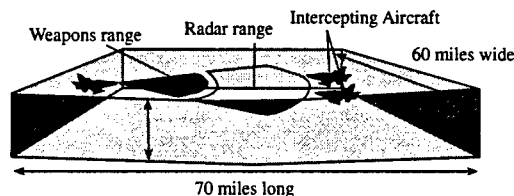
Holloman Air Force Base White Sands Missile Range Restricted Airspace

Airspace

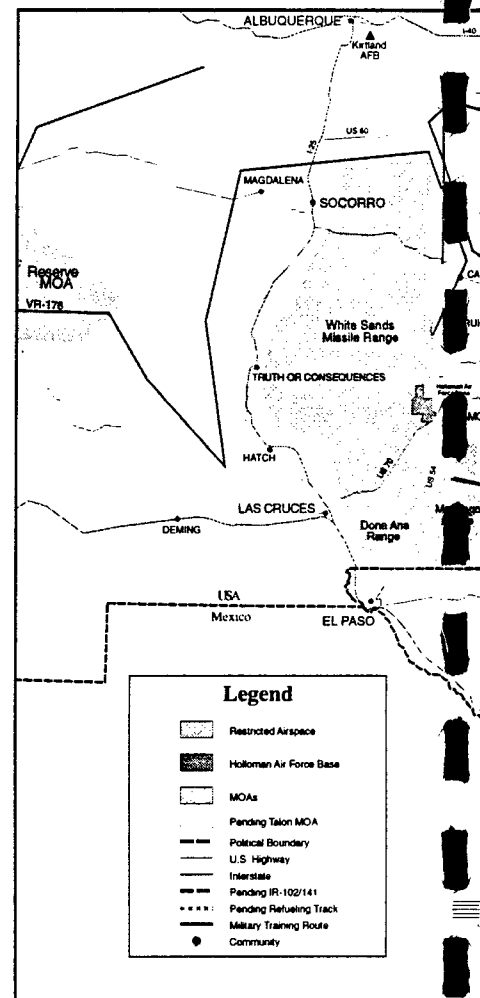


- About 2,800 additional Tornado sorties in Military Training Routes (MTRs)

- About 3,200 additional Tornado sorties in Military Operations Areas (MOAs) and restricted airspace



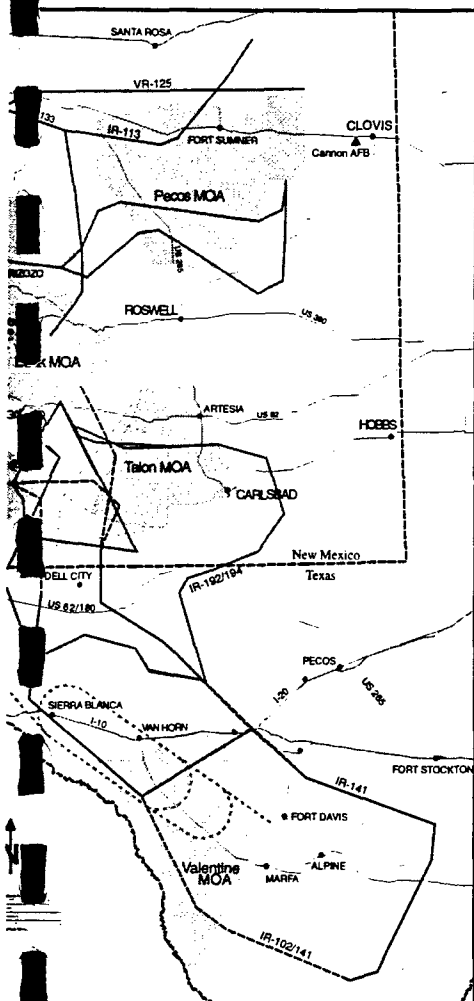
- About 2,600 additional Tornado air-to-ground sorties in restricted airspace



THE PARTNERSHIP



White Sands Base and White Sands Missile Range with MOAs, Restricted Airspace and MTRs



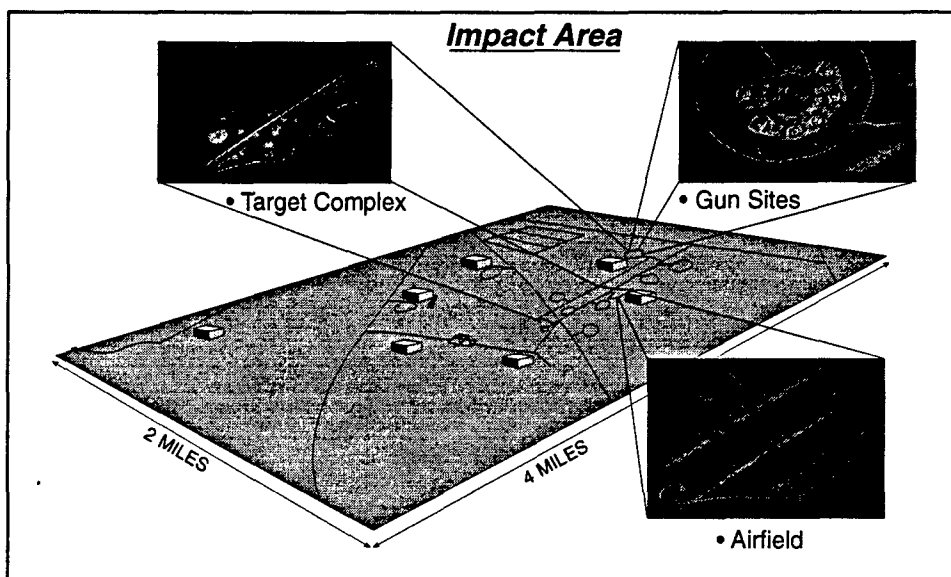
Air-to-Ground Training Options

The Air Force is examining several options to meet training requirements that are part of the proposed action:

- New target complex on West Otero Mesa within McGregor Range
- New target complex in Tularosa Basin within McGregor Range
- Use of existing ranges:
 - Red Rio, within White Sands Missile Range
 - Oscura, within White Sands Missile Range
 - Melrose Range

Tactical Target Complex

- Fenced 2x4 mile impact area
- A target array consisting of simulated:
 - Battlefield formation of tanks, artillery, and convoys
 - Vehicle maintenance and fuel storage areas
 - Surface-to-Air missile and gun sites
 - Industrial complex
 - Bridges and tunnels
 - Radar sites
 - Simulated airfield
- 27,000 foot safety buffer around impact area
- Inert or practice munitions only
 - No live ordnance
- Restricted airspace that allows a variety of weapons deliveries
- Access for regular range maintenance and annual clean-up





CONTINUING THE

Ways We Consider Community Concerns

- Community inputs often lead to defined "avoidance areas"
 - Increased flying altitude over, and distance from, specific areas such as airports, population centers, highly sensitive areas
- Mission planning and crew briefings highlight defined areas to be avoided
- The Air Force at Holloman AFB responds to community concerns. The address and phone number of the Public Affairs Office are:

490 First Street, #2800
Holloman AFB, NM 88330-8287
(505) 475-5406

- We work with the Federal Aviation Administration (FAA) to reduce potential impacts to civil aviation:
 - Advance notice of airspace use via FAA Notice to Airmen system
 - Release special-use airspace when not needed
- Good neighbors depend on good communication. The environmental impact analysis process provides the framework for good communication
 - Public comment period on the Draft Environmental Impact Statement for the Proposed Expansion of German Air Force Operations at Holloman Air Force Base runs through August 4, 1997. Final documents will be completed and available in Fall 1997



And integrity
Mission is
Neighbor and

◀ As a good neighbor
consider what is in
to communities

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Ways We Manage Resources

- We constantly monitor the condition of natural resources to preclude degradation of resources
- Our natural and cultural resources management programs protect and enhance resources through habitat improvements, wildlife programs, wetlands creation and restricted access to sensitive sites
- We incorporate compatible shared uses such as recreation
- We work closely with federal and state agencies on mutual interests:
 - Bureau of Land Management
 - U.S. Forest Service
 - U.S. Fish and Wildlife Service
 - State Historic Preservation Office
 - New Mexico Game & Fish Dept.
- Holloman AFB has been recognized at local and national levels for outstanding environmental management

"Environmental stewardship is important and can be accomplished hand-in-hand with the military mission."
(Sherry Goodman, Deputy Under Secretary of Defense for Environmental Security)



we
important

Environmental stewards,
manage our installations
and their diverse
resources



CONTINUING THE

The Proposed Action Has Three Main Components to Support Training Requirements

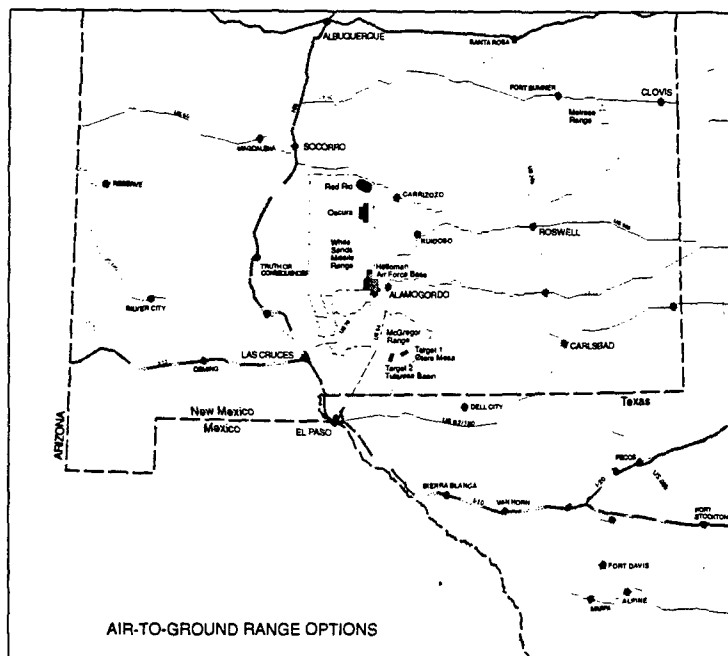
Construction at Holloman AFB to support the additional aircraft, personnel, and programmatic needs

Use of airspace in the region for aircraft training

Three options for providing air-to-ground training are being considered

- West Otero Mesa new target complex option
- Tularosa Basin new target complex option
- Existing ranges option

A No Action alternative was also analyzed



We Analyzed

Airspace Use and Management - The proposed action would not significantly affect airspace.

Noise - Aircraft-related noise would increase at Holloman AFB and in existing military locations would experience noise under some training options.

Land Use - Aircraft-related noise would increase in the region. A new target complex would affect public access to some areas.

Air Quality - Construction activities would increase in air emissions. Additional increase in air emissions. The increase with air quality standards.

Biological Resources - Wildlife would be exposed to increased overflights. The new target complex would result in minor losses.

Archaeological, Cultural, Historical - A new target complex could affect the McGregor Range.

Water Resources - Construction activities would result in minor increases in water use.

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Identified Thirteen Resource Areas for Potential Environmental Impacts

Implementation of the proposed use or management of regional

increase slightly around
ary use airspace. A few
able increases in overflights

would increase over portions
and some rural and recre-
target complex at McGregor Range
areas of the range.

s would generate a temporary
aircraft would result in
release would not affect compli-

under airspace areas could be
Construction of a new target
vegetation and habitat.

cal Resources - Construction of a
archaeological resources at

and air-to-ground training
stormwater runoff.

Hazardous Materials and Waste Management - Use of hazardous materials would increase and additional wastes would be generated. Management procedures are in place to ensure no adverse impacts.

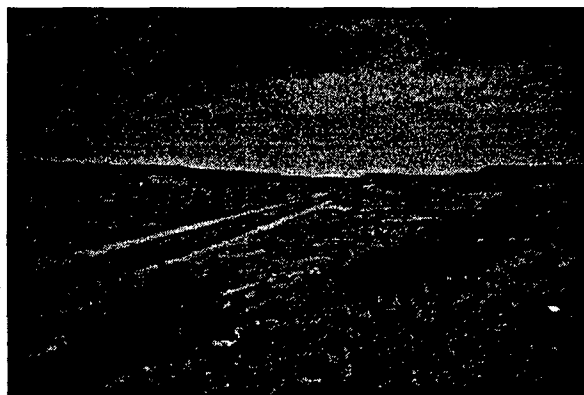
Socioeconomics - Population and employment would increase in Otero County.

Transportation - Increased traffic would result in congestion on some streets in Alamogordo.

Utilities - Increased demand for water, wastewater treatment, solid waste disposal, electricity, and natural gas would be within available capacity.

Soils - Construction and increased use of air-to-ground ranges would result in increased erosion and sedimentation.

Safety - Additional aircraft operations would marginally increase the risk of mishaps and bird-aircraft collisions. Fire risk would increase if a new target complex were established.



The Simulated Runway
on the Red Rio Target
Complex on White Sands
Missile Range.